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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17462 of 2022

Santhosh

... Petitioner/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
Crime No.200 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.N,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.200 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(i) of I.P.C r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute regarding a graveyard pending between the parties, due to which, a quarrel arose between the parties and the petitioner and other accused, abused the defacto complainant in filthy language, assaulted her and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to prior dispute, a false case has been foisted against the petitioner and he is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that in this case, co-accused was already released on anticipatory bail and the petitioner shall abide any condition imposed by this Court.

<https://www.mhc.tn.gov.in/judis>



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that there is a land dispute pending between the petitioner and the defacto complainant. He would further submit that no previous case is pending against the petitioner and there is a specific overt act attributed against the petitioner and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of offence and also the facts that co-accused were already released on anticipatory bail and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thottiyam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/09/2022

/ TRUE COPY /

/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
THOTTIYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-10887[I] dated 30/09/2022)

ORDER
IN
CRL OP(MD) No.17462 of 2022
Date :30/09/2022

cp
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