



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.18251 of 2022

1. M.Pandiyan

...Petitioner/
Accused No.not known

2. K.Diraviyam

(*)2nd petitioner is deleted vide order dated 28.10.2022 in Crl.M.P. (MD)No.12945 of 2022**

Vs

The State rep.by,
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

(*)Crime No.107 of 2022

... Respondent/Complainant

For Petitioner : M/s.Kaleeswaran G,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail **(*) in Crime No.107 of 2022** on the file of the respondent police.

(*)Crime number and sections amended vide order dated 28.10.2022 in Crl.M.P. (MD) No.12945 of 2022

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **(**)427, 448, 461, 294(b) and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, (*)in Cr.No.107 of 2022,** seeks anticipatory bail.



2.The case of the prosecution is that the petitioner trespassed into the de-facto complainant's house, abused him in filthy language and threatened him with dire consequences and also damaged his property worth about Rs.1000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that due to money dispute, the petitioner trespassed into the de-facto complainant's house, abused him in filthy language and and also damaged his property worth about Rs.1000/-. The petitioner is having no previous case and the investigation is still pending. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivagangai, 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2022

WEB COPY

(*) () (***) Amended as per order of this
Court dated 28.10.2022 in Crl.MP(MD)
No.12945 of 2022 in Crl OP(MD) No.18251
of 2022.**

/ TRUE COPY /

/11/2022

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

sj i

TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.KALEESWARAN, Advocate (SR-12110[I] dated
31/10/2022)

ORDER
IN
CRL OP(MD) No.18251 of 2022
Date :28/10/2022

RK/BUC/SAR-2 (10/11/2022) 3P/6C