



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.18276 of 2022

Ravindranath Swami

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
Crime No.318/2022.

... Respondent/Complainant

For Petitioner : M/s.Bharathi Kannan KR.,
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.318 of 2022 on the file of the respondent Police.

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 Section 294(b) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Cr.No.318 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner by giving false promise to construct a house, received huge amount from the de-facto complainant. When the same was questioned by the de-facto complainant and her sister's daughter, the petitioner scolded them and tried to attack them with brick. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has entered into an agreement with the de-facto complainant for construction of the house. But the de-facto complainant has not followed the said agreement and not paid the balance amount. Hence, the petitioner lodged a complaint against the de-facto complainant and others in Crime No.196 of 2022 and the



same is also pending. As a counter blast, the present case is registered against the petitioner. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) strongly opposed this petition stating that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner also lodged a complaint against the de-facto complainant and others in Crime No.196 of 2022 and the same is pending, 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 Court No.6, Madurai, 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 Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.6
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
NAGAMALAI PUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18276 of 2022
Date :14/10/2022

SJI
MK/GB/SAR.I/26.10.2022/3P/5C