



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/10/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.18521 of 2022

Periyasamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.
(Crime No. 80 of 2022).

... Respondent/Complainant

For Petitioners : M/s.P.Banuprasath, Advocate

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

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

PRAYER :- For Anticipatory Bail in Crime No. 80 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 alleged offence punishable under Sections 294(b), 323, 324, 427, 506(ii) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(2)(a) of TNPPDL Act in Crime No.80 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.08.2022, the Hon'ble Minister visited the village for attending a function. The petitioner arranged all the programs, but the defacto complainant, who is the village panchayat President refused to come, hence on 22.08.2022, the petitioner went to the house of the defacto complainant, abused her in filthy language, harassed her and also caused damage to the entrance gate of the defacto complainant and also caused damage to the street tap in the street. Hence the complaint.

3. On the side of the petitioner, it is stated that due to previous enmity a false case has been foisted against the petitioner. The victim was discharged from the hospital and he is no way connected with the said occurrence.



4. On the side of the prosecution, it is stated the petitioner herein went to the house of the defacto complainant, abused her in filthy language, harassed her and also caused damage to the entrance gate of the defacto complainant and also caused damage to the street tap worth Rs.1000/- in the street. It is further stated that the injured has been discharged from the hospital. Further, the petitioner was convicted in two previous cases and he has paid a sum of Rs.2000/- in both cases (STC No.288 of 2020 and 289 of 2020). It is a case and case in counter.

5. Considering the facts and circumstances of this case and considering the fact that though the earlier petition was dismissed on 08.09.2022, the respondent has not taken any steps to arrest the petitioner and considering the value of the damage, this Court is inclined to release the petitioner on bail on the following conditions:

6. Accordingly, this petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Thirty Thousand only), to the credit of Crime No.80 of 2022 before the learned Judicial Magistrate No.II, Sattur, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioner are ordered to be released on bail in the event of arrest or on their 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, Sattur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

[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 FII registered under Section 229-A IPC.

sd/-
18/10/2022

/ TRUE COPY /

WEB COPY

/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BANUPRASATH P Advocate SR.No.11619

ORDER

IN

CRL OP(MD) No.18521 of 2022
Date :18/10/2022

pnn
SA/SBN/SAR.1/31.10.2022/3P/6C