



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19598 of 2022

WEB COPY

Karuppasamy

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Crime No.366/2022..

... Respondent/Complainant

For Petitioner : M/s.Mani Anandh P, Advocate.

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

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

PRAYER :-

AB For Anticipatory Bail in Cr No.366/2022 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 Sections 354 and 506(i) of IPC, in Cr.No.366 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 19.10.2022, when the defacto complainant was in her home, the petitioner came there in a drunken mood, dragged her hands and also abused her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the defacto complainant was a tenant under the petitioner. The petitioner asked her to vacate the house. But, she refused. After some struggle, she vacated the house. Due to that motive, she foisted this false case against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) strongly opposed to grant anticipatory bail to the petitioner on the ground that there is specific allegation against the petitioner that he pressed the chest of the defacto complainant. 6 witnesses have been examined and the investigation is not yet completed.



5. Considering the facts and circumstances of the case, considering the fact that 6 witnesses have been examined, 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, Sivagiri, 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 respondent Police or to the Police Officer, who intends to arrest or 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 **Puliyangudi Police Station, Tirunelveli District, 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.

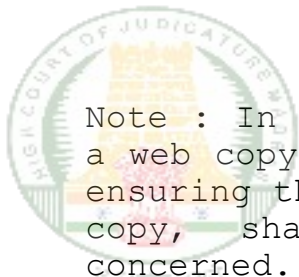
sd/-
07/11/2022

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

DSS



Note : In view of the present lock down owing to COVID-19, 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.

WEB COPY

TO

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

COPY TO

THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

+1 CC to M/s.P.MANI ANANDH, Advocate (SR-12569[I] dated 08/11/2022)

ORDER
IN
CRL OP(MD) No.19598 of 2022
Date :07/11/2022

RK/BUC/SAR- (16/11/2022) 3P/7C