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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21135 of 2022

T.Neerath Pandian

... Petitioner/Sole Accused

Vs

1. State rep.by

The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.346 of 2022).

... Respondent/Complainant

2. Pandiselvi

... 2nd Respondent/Respondent

For Petitioner : M/s.Solaisamy M, Advocate.

For Respondent : Mr.K, Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.346 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 294(b), 324 and 506(ii) of IPC r/w Section 4 of Women Harassment Act, in Crime No.346 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Karuppiah, is that his daughter namely, Pandiselvi was married to one Neerathpandian before 12 years. It was a love marriage. Thereafter, due to some misunderstanding, his daughter was living in



his house for the past 2 years. Regarding matrimonial dispute, a case is pending before the Court. Whiles, on 29.07.2022. at about, 07.40 p.m, as per the information of the accused, the defacto complainant and his daughter went to get Rs.20 lakh, which was received by him, whereas, the accused did not come. When the defacto complainant and his daughter were going, the accused was going in a Car. When the daughter attempted to stop the Car, he had refused to stop the Car dashed against her and taken away the same. Due to which, she fell down and sustained injury. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that as per the complaint, there is no allegation that the petitioner dashed against the victim. The victim and her father abused the petitioner and attempted to stop the Car. At that time, the victim attempted to stop the car, holding the door handle of the Car, she fell down. There is no motive and intention to commit injury to the victim. The present case has been given only on account of matrimonial dispute. He would further submit that this is the second application for anticipatory bail. Earlier application for anticipatory bail was dismissed on the ground that the victim was still in the hospital. He would further submit that the alleged occurrence said to have taken place on 29.07.2022, whereas the complaint has been given only on 12.10.2022 after 2 months of occurrence and now, the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the defacto complainant is the father-in-law of the petitioner. When the defacto complainant and his daughter had attempted to stop the Car, the petitioner had refused to stop the Car and taken away the same. Therefore, the daughter of the defacto complainant fell down and sustained injury. However, now the injured has been discharged from the hospital.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, 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 on which the order copy made ready, before the **learned Judicial Magistrate Court No.I, Sivakasi**, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 06.30 p.m., for a period of two weeks and thereafter, every Saturday 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]**.

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

Sd/-

06/12/2022

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/12/2022

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

DSS

TO

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

+1. CC to M/S.SOLAISAMY M Advocate SR.No.14460

ORDER

IN

CRL OP(MD) No.21135 of 2022

Date :06/12/2022