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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20307 of 2022

Vadivelu @ Shanmugavadivel, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by

The Inspector of Police,

Kollidam Police Station,

Trichy District.

Crime No.242 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T, 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.242 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(i) IPC and Section 4 of TNPHW Act, in Cr.No.242 of 2022, seeks anticipatory bail.

2.The de-facto complainant was working in the medical shop belonging to the petitioner. One day, when the complainant was sleeping by sliding her head on the table, the petitioner took photos and spread the same in Whatsapp. Due to which, the complainant stopped working there. On 06.11.2022, when the complainant requested the petitioner to pay salary, the petitioner abused her by using filthy language and threatened her with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is running a medical shop in the name and style of Shanmuga Medicals at No.1 Tollgate, Trichy. The complainant is one among the employees of the petitioner. All of a sudden, the complainant quit her job and went out. Thereafter, she gradually pulled out four more employees. When the petitioner questioned the complainant, she abused him by using filthy language. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is the owner of the medical shop and when the complainant was sleeping by sliding her head on the table, the petitioner took photos and spread the same in Whatsapp. When the same was questioned by the de-facto complainant, the petitioner abused her in filthy language. He would further submit that the petitioner is having no previous case. He would further submit that two witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is not having any bad antecedents and two witnesses have been examined sofar, 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, Srirangam, 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 file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Judicial Magistrate. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

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

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
18/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIRANGAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13365[I] dated 21/11/2022)

ORDER
IN
CRL OP(MD) No.20307 of 2022
Date :18/11/2022

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PKP/BUC/SAR-2/28.11.2022/3P/6C