



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.20647 of 2022

WEB COPY

U.Chithiraipandi

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
(Crime No.161 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Malaikani S, Advocate.
For Respondent : Mr.M.Muthumanikkam.
Government Advocate (Crl.Side)

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

PRAYER :-

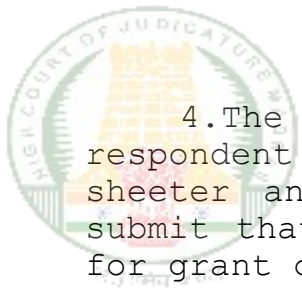
For Anticipatory Bail in Crime No.161 of 2022 on the file of the Respondent Police.

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), 353, 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.161 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, namely, Mrs.Manimala, is working as a Village Administrative Officer, Seithunganallur. On 11.11.2022, she went to serve the summon issued by the Srivaikundam Police Station along with Sub Inspector of Police, Srivaikundam and another Police Constables and pasted the summon in the house of the petitioner. Thereafter, the petitioner came to the VAO Office and shouted the Village Administrative Officer and also threatened her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the Village Administrative Officer and the other officials went to the house of the petitioner and hit the door with her leg and opened, due to that, the child of the accused were playing near the door got injured. He would further submit that the petitioner is an innocent and he has been falsely implicated in this case. However, the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner is a history sheeter and he is having six previous cases. He would further submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of offence, 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 of receipt of a copy of this order, before the learned Additional Mahila Court/Judicial Magistrate, Tuticorin, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before Inspector of Police, Thoothukudi Central Police Station, Thoothukudi, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-

22/11/2022

/ TRUE COPY /

/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT,
THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-13446[I] dated 22/11/2022)

ORDER

IN

CRL OP(MD) No.20647 of 2022

Date :22/11/2022

CP

RS/BUC/SAR.3(01.12.2022) 3P-7C