



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.20825 of 2022

Beniyel Jason

... Petitioner/Sole Accused

-vs-

State represented by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.

(*) (Cr.No.255 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioner on bail in the event of his arrest or surrender in **(*)Cr.No.255 of 2022** on the file of the Respondent Police Station.

For Petitioner	: Mr.S.Manoj Kumar, Advocate
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)

O R D E R

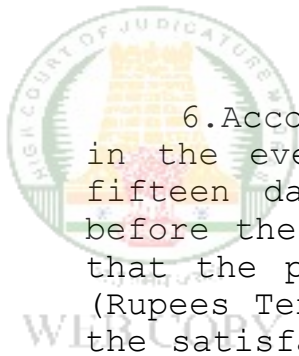
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under **(*)Sections 294 (b) and 354D IPC in Crime No.255 of 2022** on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant, Anitha, is that the petitioner harassed her through his mobile phone and the same was questioned by her husband, the petitioner had threatened the de-facto complainant and her husband. 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 due to previous enmity.

4.The learned Government Advocate (Crl.side) would oppose to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and on perusing the 164 Cr.P.C. statements of the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



6. Accordingly, the petitioner is ordered to be released 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-I, Tirunelveli, 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 10.30 a.m., for a period of four 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

**(*) Amended as per order of this court
dated 06.12.2022 in CRL MP(MD).
15149/2022 in CRL OP(MD).20825/2022**

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

cmr

To

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE, THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.MANOJ KUMAR, Advocate (SR-14450[I] dated
07/12/2022)

ORDER

IN

CRL OP(MD) No.20825 of 2022

Date :06/12/2022

RS/MMS/SAR.1(27.12.2022) 3P-6C