



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.20863 of 2022

Muthuvijayan

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Koodal Puthur Police Station,
Madurai City, Madurai
(In Crime No.560 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rajaselvan R,
Advocate.

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

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

PRAYER :-

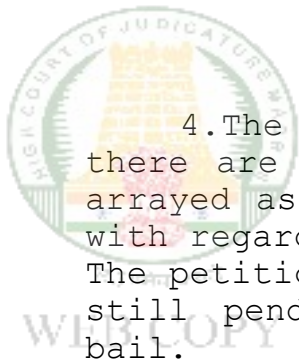
For Anticipatory Bail in Crime No.560 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :

The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
448, 352 and 354 IPC r/w Section 4 of Tamil Nadu Woman Harassment
Act, in Cr.No.560 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel
between the parties with regard to park the vehicle, due to which,
the petitioners abused the de-facto complainant in filthy language.
Hence the complaint.

3.The learned counsel for the petitioner would submit that due
to enmity, a false case was foisted against the petitioner and the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution. He would further submit that A1 was
already arrested and released on bail. Hence, he prays for
anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit that there are two accused involved in this case and the petitioner is arrayed as A2. There was a wordy quarrel arose between the parties with regard to park the vehicle, the above said occurrence happened. The petitioner is having two previous cases 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 fact that A1 was already arrested and released on bail, 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 No.IV, Madurai, 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 report before the respondent police 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/-

25/11/2022

/ TRUE COPY /

/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
KODAL PUTHUR POLICE STATION, MADURAI CITY,
MADURAI

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

+1 CC to M/s.R.RAJASELVAN, Advocate (SR-13737[I] dated 25/11/2022)

ORDER
IN
CRL OP(MD) No.20863 of 2022
Date :25/11/2022

SJI
MK/BUC/SAR IV/07.12.2022/3P/6C