



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2022

PRESENT

WEB COPY

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

CRL.O.P (MD) No.21438 of 2022

Pon Udayar

...Petitioner/Accused (Sole)

-vs-

State rep.by
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
(in Crime No.269 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.269 of 2022 on the file of the Respondent Police Station.

For Petitioner : Mr.A.Kesavan, Advocate

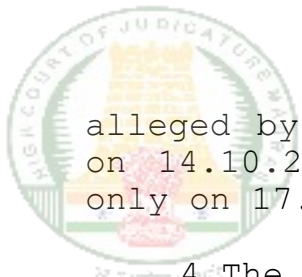
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 448, 294(b), 354 and 506(i) of IPC in Crime No.269 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Kasthuri, is that on 14.10.2022 at 11.00 pm, the accused attempted to trespass into her house and tried to misbehave with her. When the de-facto complainant raised her voice, he ran away and a local panchayat was conducted and the complaint was closed. Later, once again on 15.10.2022 at around 07.00 pm, the accused had again trespassed into the house of the de-facto complainant and attempted to misbehave with her. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given due to the previous enmity. He would further submit that, though it is



alleged by the de-facto complainant that the incident had happened on 14.10.2022 and 15.10.2022, a belated complaint has been given only on 17.10.2022.

4. The learned Government Advocate (Crl.side) would submit that the petitioner has attempted to misbehave with the de-facto complainant in an inebriated conditions. The petitioner has got one previous case in Cr.No.80 of 2022 registered for the offence under Sections 294(b), 323 and 506(ii) IPC.

5. In reply, the learned for the petitioner would submit that the petitioner is ready to abide by any stringent conditions imposed on him.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Valliyoor, 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 stay at Dindigul and report before the Dindigul Town Police Station daily at 10.30 am for a period of 30 days, thereafter, before the respondent police every day at 10.30 pm until furthers.

[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.

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Sd/-
06/12/2022

/12/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
DINDIGUL TOWN POLICE STATION.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.21438 of 2022
Date :06/12/2022

SP/SSS/SAR III/15/12/2022/3P/6C