



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2022

CORAM

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

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CRL.O.P (MD) No.21543 of 2022

Muthubalan

...Petitioner/Accused No.1

-vs-

State represented by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(in Cr.No.278 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.278 of 2022 on the file of the Respondent Police Station.

For Petitioner : Mr.B.Jeyakumar, Advocate

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

For Intervenor : Mr.S.K.Venkataraman, Advocate

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 324 and 506(ii) IPC in Crime No.278 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that he is married with one Selva Deepaka of Watrap and they have blessed with two children. His wife gone to her mother's wife and on 20.11.2022, he had gone to his in-law house to visit his wife. When the de-facto complainant and his brother reaching near the house of his in-laws, the accused Muthubalan had come in a bike and abused and assaulted them and caused damaged to his car. Hence, the complaint.



3.The learned Counsel for the petitioner would submit the petitioner is an innocent and he was falsely implicated in this case. He would submit that the petitioner is a native of Watrap Taluk and that on 20.11.2022, when he was passing by that area, there was a screaming of a woman from a house and that the petitioner along with the other villagers have gone there. During such time, the de-facto complainant had assaulted his wife and that they have intervened and asked the de-facto complainant and his brother to get away from the house. Other than that, they have not done anything. Whereas, a false complainant has been given, as if the petitioner along with other have assaulted the de-facto complainant and his brother.

4.The learned Government Advocate (Crl.side) would submit that when the de-facto complainant was on his way to his in-law's house, the petitioner had waylaid him and assaulted him and also damaged to his car. He further submit that the injured was treated as an out patient. He would further submit that there is no previous case registered against the petitioner.

5.The learned Counsel for the intervenor would submit that the petitioner is known to the wife of the de-facto complainant. He had also attended the marriage and has some grudge against the de-facto complainant and when the de-facto complainant was on the way to his in-law's house to visit his wife, who was there, the petitioner waylaid him, abused him with filthy language and also assaulted him causing grievous injury. He would further submit that the petitioner is still continuing to threaten him, in respect of which the de-facto complainant has given a complaint against him. He would oppose for grant of anticipatory bail.

6.In reply, the learned Counsel for the petitioner would submit that on the complaint given by the de-facto complainant's wife, a case in Cr.No.277 of 2022 has been registered against the de-facto complainant for the offences under Sections 448, 294(b), 323 IPC and Section 4 of Prohibition of Harassment of Women Act and the fact remains that the de-facto complainant has trespassed into the house and assaulted his wife and family members and that has been suppressed in his complaint.

7.Heard the learned Counsel on either side. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 No.1, Srivilliputhur, Virudhunagar District, 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:

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[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 two 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.

9.The learned Counsel for the intervenor would submit that the petitioner is still continuing with threat.

10.It is made clear that the petitioner shall not threaten the de-facto complainant or his relatives.

sd/-

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

TO

1 THE JUDICIAL MAGISTRATE NO.I
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.



2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-14445[I] dated 07/12/2022)

+1 CC to M/s.S.K.VENKATRAMAN, Advocate (SR-14469[I] dated 07/12/2022

ORDER

IN

CRL OP(MD) No.21543 of 2022

Date :06/12/2022

cmr

PKP/SSS/SAR-4/15.12.2022/4P/7C