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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21568 of 2022

Ponraj, ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Keelarajakularaman PS
Rajapalayam Taluk,
Virudhunagar District,
Crime No.157/2022.

... Respondent/Complainant

For Petitioner : M/s.Pamelin W, Advocate.

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

For Intervenor : Mr.P.Saravanakumar,Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.157/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 448, 294(b) and 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.157 of 2022, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Sundareswari, is that she is a married lady and that her husband suffered an accident and he was at home. While so, she developed relationship with the petitioner and that later, she had severed the relationship. Subsequently, on 10.10.2022 at 12.00 noon, the petitioner had trespassed into her house and abused her in

<https://www.crlc.org.in/>



filthy language and also demanded money from her and also c. ly intimidated her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. She would further submit that during the year 2019, the de-facto complainant had borrowed an amount of Rs.2,50,000/- from the petitioner and she had failed to repay the amount. The petitioner had filed a suit in O.S.No.1249 of 2022 on the file of the Principal Sub Court, Srivilliputhur, seeking for recovery of money and only on the receipt of summons from the Court, a false complaint has been given as if the petitioner attempted to misbehave with her and also criminally intimidated her. She would further submit that under threat of arrest, the de-facto complainant is attempting to bring the petitioner for settlement. She would further submit that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court. Hence, he prayed to grant anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner was having relationship with the de-facto complainant, the de-facto complainant has severed the relationship, whereas, the petitioner had trespassed into her house and threatened her to huge money and misbehaved with her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the de-facto complainant would vehemently oppose for grant of anticipatory bail stating that the petitioner had misbehaved with the victim lady.

6.Heard. Perused the materials available on record.

7.Taking into consideration the facts and the submissions made by both the counsels, 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.I, Rajapalayam, on condition that the petitioner shall execute 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 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 responder daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m 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/-
09/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
RAJAPALAYAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT`AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN PS RAJAPALAYAM TALUK,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PAMELIN W Advocate SR.No.14629(I)

+1. CC to MR.P.KALAIYARASI BHARATHI, Advocate SR.No.14645(I)

ORDER
IN
CRL OP(MD) No.21568 of 2022
Date :09/12/2022

SJI
PKP/VR/SAR-4/19.12.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>