



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.22903 of 2022

G.Muthukumar

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District
(Crime No.602 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.Ragatheesh Kumar, Advocate for
M/s. Isaac Chambers,

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

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

PRAYER :-

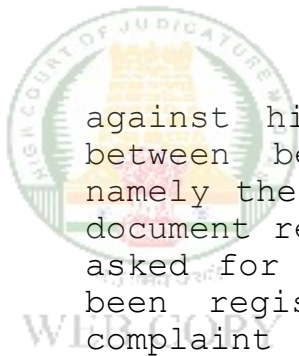
For Anticipatory Bail in Crime No.602 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **(*)447, 294(b) and 506(i) of IPC and 4 of Tamilnadu Prohibition of Harassment of Woman Act** in Crime No.602 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 the accused is her brother-in law and that there was a dispute between them. Whiles, the accused had turned the CCTV camera and also threatened her with dire consequences and also abused her in filthy language. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted



against him. He would further submit that there exists a relationship between the parties. The husband of the defacto complainant namely the elder brother of the petitioner was holding the family document regarding the family properties and when the petitioner had asked for returning the same it was refused and a false case has been registered. Thereafter the petitioner had filed private complaint against the respondent/ Sub Inspector of Police and he having antagonised by the same, another complaint has been filed. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner is the brother-in-law of the defacto complainant and after the demise of her husband the petitioner had harassed her and also abused her and criminally intimidated her.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

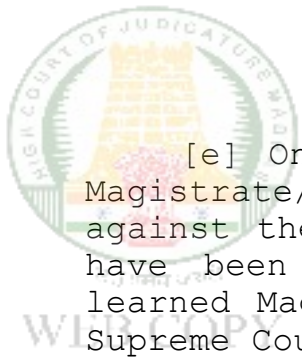
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Eraniel, Kanyakumari District**, on condition that the petitioner shall 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:

[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 Karungal Police Station everyday at 10.30 a.m., until further orders and in the event of any interrogation the petitioner shall report before the respondent police on issuance of summons.

[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 petitioners 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/-
23/12/2022

**(*)AMEND AS PER ORDER OF THE COURT DATED
12/01/2013 IN CRL MP(MD)No.793 of 2023
in CRL OP(MD)No.22903 of 2022.**

**TIME GRANTED BY THIS COURT TO COMPLY
WITH THE CONDITION IMPOSED VIDE ORDER
DATED 23.12.2022 IN CRL.O.P.(MD)NO.22903
OF 2022 IS EXTENDED FOR A PERIOD OF TWO
WEEKS FROM THE DATE OF RECEIPT OF
AMENDED COPY OF THIS ORDER.**

/ TRUE COPY /

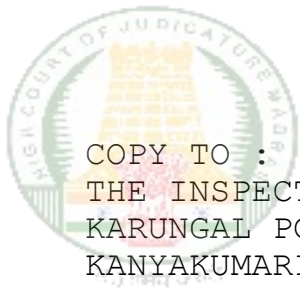
/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

TO BE SUBSTITUED WITH THE ORDER DATED 23/12/2022 ALREADY DESPATCHED

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



COPY TO :
THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

WEB COPY

+1 CC to M/s.ISSAC CHAMBERS, Advocate (SR-15523[I] dated
23/12/2022)

ORDER

IN

CRL OP(MD) No.22903 of 2022

Date :23/12/2022

USK/SSS/SAR-III/03.01.2023/4P/7C

CMR

PKP/VR/SAR-4/25.01.2023/4P/7C