



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.12.2022
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22966 of 2022

WEB COPY

Ajith @ Azhagu Sudalai

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Radhapuram Police Station.
Tirunelveli District.
(in Cr.No.207 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 by the respondent Police with respect to Crime No.207 of 2022.

For Petitioner : Mr.C.Susi Kumar, 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-A and 506(i) IPC in Crime No.207 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Meena, is that she is a widow and that on 09.12.2022, while she was sleeping in her house, the accused had trespassed into her house 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. He would also submit that even as per the complaint, the petitioner is only stated to have attempted to misbehave with the de-facto complainant and other than that, the petitioner has not committed any offence.

4.The learned Government Advocate (Crl.side) would submit that the petitioner had attempted to misbehave with the de-facto complainant by touching her legs. He would oppose for grant of anticipatory bail to the petitioner.



5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. 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, Radhapuram, 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 Madurai and report before the Y.Ohakadai Police Station every at 10.30 am for a period of one month and thereafter, report before the respondent police everyday 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/-
23/12/2022

/ TRUE COPY /

/01/2023

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

cmr

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



TO

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

COPY TO

THE INSPECTOR OF POLICE,
Y.OHAKADAI POLICE STATION,
MADURAI.

ORDER

IN

CRL OP (MD) No.22966 of 2022

Date :23/12/2022

RK/BUC/SAR-3 (03/01/2023) 3P/6C