



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

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

CRL.O.P (MD) No.326 of 2023

WEB COPY

Kumar

... Petitioner/Sole Accused

-vs-

State represented by  
The Inspector of Police,  
Town South Police Station,  
Thanjavur District.  
Crime No.7/2023

... 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 Cr.No.7 of 2023.

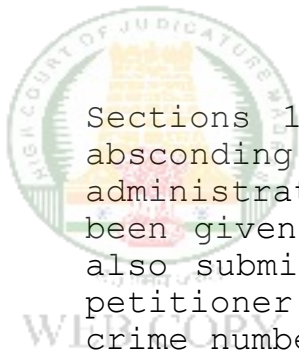
|                |                                                       |
|----------------|-------------------------------------------------------|
| For Petitioner | : Mr.V.Rajiv Rufus, Advocate                          |
| For Respondent | : Mr.P.Kottai Chamy<br>Government Advocate (Crl.side) |

### O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 427 and 506(i) of IPC and Section 4 of TNPHW Act in Crime No.7 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Mallika, is that she is running a flower shop in front of Arulmighu Shri Angala Parameshwari Muneeshwarar Temple for the past 22 years. While so, one Kumar had threatened her not to have the shop in front of the Temple and on 02.01.2023 at about 05.30 pm., while she was in her flower shop, the accused had assaulted her and attempted to outrage her modesty and also caused damage to her flower shop. 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 the petitioner is the Trustee of Arulmighu Shri Angala Parameshwari Muneeshwarar Temple in Bharmar Colony and that the de-facto complainant's son, one Surya was running a fish stall in front of the Temple and the Temple administration had asked him to shift the fish stall from the Temple premises to some other place. Due to which, the de-facto complainant's son, Surya had earlier threatened the Secretary of the Temple and caused injury to him, in respect of which, a complaint has been given by the Secretary and a case in Cr.No.5 of 2023 has been registered against the son of the de-facto complainant for the offence punishable under



Sections 147, 148, 294(b), 324 and 506(ii) of IPC and h absconding. Now, in order to pressurize the members of the Temple administration to withdraw the said complaint, a false complaint has been given through the mother of the said Surya. However, he would also submit that without prejudice his rights and contentions, the petitioner is ready to deposit a sum of Rs.5,000/- to the credit of crime number.

4.The learned Government Advocate (crl.side) would submit that the petitioner has abused the de-facto complainant and also slapped her and caused damage to her flower vending shop. He would further submit that the petitioner has got nine previous cases. He would oppose for grant of anticipatory bail.

5.In reply, the learned Counsel for the petitioner would submit that the petitioner belongs to a particular political party and due to political animosity, several cases have been registered against him and in few cases, actions have been dropped and in few cases, the petitioner was acquitted by the trial Court and he is ready to abide by any stringent conditions, that may be imposed on him.

6.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.

7.Accordingly, the petitioner shall deposit a sum of Rs.5,000/- to the credit of crime number and on production of receipt for deposit, 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, Additional Mahila Court, Thnajakavur**, 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 Thallakulam Police Station, 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.

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

8. Merely because, the petitioner has deposited the amount as mentioned above, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-

06/01/2023

**(\*) CORRECTED AS PER ORDER OF THIS COURT DATED 02.03.2023 IN CRL MP (MD) NO.3610 OF 2023 IN CRL OP(MD) NO.326 OF 2023**

**TWO WEEKS TIME IS EXTENDED TO COMPLY WITH THE CONDITIONS IMPOSED BY THIS COURT.**

/ TRUE COPY /

/01/2023

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

cmr

To

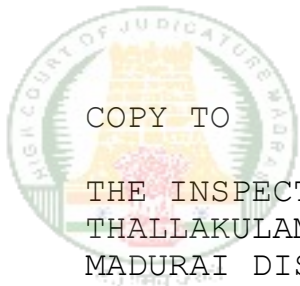
**TO BE SUBSTITUTED WITH THE ORDER DATED 06/01/2023 ALREADY DESPATCHED**

**(\*) 1. THE JUDICIAL MAGISTRATE,  
ADDITIONAL MAHILA COURT,  
THANJAVUR.**

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, TOWN SOUTH POLICE STATION,  
THANJAVUR DISTRICT.

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



CRL.O.P(MD)



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COPY TO

THE INSPECTOR OF POLICE,  
THALLAKULAM POLICE STATION,  
MADURAI DISTRICT.

WEB COPY

+1 CC to M/s.RAJIV RUFUS V, Advocate ( SR-3175[I] dated 02/03/2023 )

ORDER

IN

CRL OP(MD) No.326 of 2023

Date :06/01/2023

RS/SSS/SAR.3(24.01.2023) 4P-7C

ED/BUC/SAR-1(14/03/2023) 4P 7C