



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

WEB COPY

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

CRL.O.P(MD)No.329 of 2023

Saravanakumar

(**)...Petitioner/Accused No.2

-VS-

The State represented by
The Inspector of Police,
(*)Rajapalayam North Police Station,
Rajapalayam, Virudhunagar District.
(in Cr.No.3 of 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.3 of 2023.

For Petitioner : Mr.R.Sundar

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 147, 294(b), 323 and (***)506(i) of IPC and Section 4 of TNPHW Act in Crime No.3 of 2023 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 petitioner took his dog for walking and at that time, the said dog in an aggressive manner tried to attack the de-facto complainant, due to which there was a wordy quarrel and the petitioner has abused the de-facto complainant in filthy language and assaulted her and also threatened her with dire consequences. 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 it is a case and case in counter and on the basis of the complaint given by the petitioner, an FIR was registered against the de-facto complainant. He would also submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him.

4.The learned Government Advocate (Crl.side) would submit that due to a wordy quarrel, the petitioner has abused and attacked the de-facto complainant and also threatened her with dire consequences. He would also submit that the petitioner has no previous case pending against him and 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.

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 No.I, Rajapalayam, Virudhunagar, 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 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 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.

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sd/-
06/01/2023

(*) () (***) AMENDED AS PER ORDER
OF THIS COURT DATED 24.02.2023 IN
CRL MP(MD)NO.3227 OF 2023 IN CRL
OP(MD)NO.329 OF 2023)**

**TIME IS ALSO EXTENDED FURTHER FOR
A PERIOD OF TWO WEEKS, FROM THE
DATE ON WHICH THE ORDER IS COPY
MADE READY.**

/ TRUE COPY /

/03/2023
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 NO.I, RAJAPALAYAM, VIRUDHUNAGAR.

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

3.THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.SUNDAR.R Advocate SR-2907

CRL.O.P (MD) No.329 of 2023
06.01.2023

TR/SSS/SAR-I(20.01.2023) 3P 6C

PK/SAR-2(14.03.2023) 3P/7C

<https://www.mhctn.gov.in/judis>