



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1981 of 2023

WEB COPY

Mathan Kumar

...Petitioner/Accused

-vs-

The State Represented by its
The Inspector of Police,
Town South Police Station,
Thanjavur District.
(Cr.No.93 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 in connection with Cr.No.93 of 2023 on the file of the respondent Police.

For Petitioner : Mr.J.Jeyakumaran, Advocate

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998 in Crime No.93 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 went to the defacto complainant's shop and abused her and assaulted with hands and outraged her modesty. Hence, the complaint.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent person and a false complaint has been given. He would also submit that a counter case in Crime No.94 of 2023 has been registered against the defacto complainant's party. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that it is a case of case and counter case. He would further submit that the petitioner went to the defacto complainant's shop and abused her and assaulted her with hands. He opposes to grant anticipatory bail.



5. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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 No.1, Thanjavur, 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 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 4 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/-

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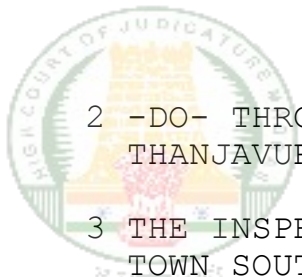
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1 THE JUDICIAL MAGISTRATE NO.1,
THANJAVUR.

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



2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.

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

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

+1. CC to M/S.JEYAKUMARAN J Advocate SR.No.15569(I)

ORDER

IN

CRL OP (MD) No.1981 of 2023

Date :01/02/2023

VA/SBN/SAR-4/08.02.2023/3P/6C