



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.2114 of 2023

WEB COPY

Kabar @ Kavagar

...Petitioner/ Accused No.1

-vs-

The State represented by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(in Cr.No.10 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.10 of 2023.

For Petitioner
For Respondent

: Mr.S.Sathya Chidambaram
: Mr.K.Sanjai Gandhi
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), 324 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.10 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 due to a previous enmity, the accused persons have abused the de-facto complainant in filthy language and also attacked her with hand and criminally intimidated her. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that petitioner has not committed any offence, as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that due to a previous enmity, the accused persons have abused the de-facto complainant in filthy language and also attacked her with hand and criminally intimidated her. He would also submit that the



petitioner has no previous case pending against him.
object 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, Pattukottai, Thanjavur 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 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/-

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

cmr

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To

1.The Judicial Magistrate, Pattukottai, Thanjavur District.

2.-do-Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

3.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP (MD) No.2114 of 2023

Date :02/02/2023

RD/VR/SAR-III (09/02/2023) 3P 5C