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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9143 of 2023

Rishi @ Joshwa Immanuvel

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.70/2023).

... Respondent/Complainant

For Petitioner : M/s.M.Siva Sankar, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.70/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 427, 452 and 506(ii) of IPC & Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.70 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner there was landlord and tenant relationship between the parties. The defacto complainant is the landlord. The petitioner said to have trespassed into the house of the defacto complainant and abused her in filthy language and also damaged her properties. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that this is the third anticipatory bail application. Earlier applications filed by the petitioner was dismissed by this Court.



4.The learned Government Advocate (Crl.Side) would submit that it is a dispute between the landlord and the tenant. In the said occurrence, the petitioner has also damaged the properties of the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that it is a dispute between the landlord and the tenant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, **petitioner** shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.70 of 2023, without prejudice to his rights and contentions before the learned Judicial Magistrate, Court, Aruppukottai.

7.On production of such receipt, the petitioner are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Court, Aruppukottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police alternative days at 10.30 am., for a period of two months and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

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

DSS

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



TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.SIVA SANKAR M, Advocate (SR-7615[I] dated 19/05/2023)

ORDER

IN

CRL OP(MD) No.9143 of 2023

Date :18/05/2023

RS//SAR-(25.05.2023) 3P 6C