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CRL OP/ML



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.25 of 2023

P.Prabu

... Petitioner/Accused No.1

Vs

The state rep.by
The Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No.578/2022.

... Respondent/Complainant

For Petitioner : M/s.Kishore Kumar V,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

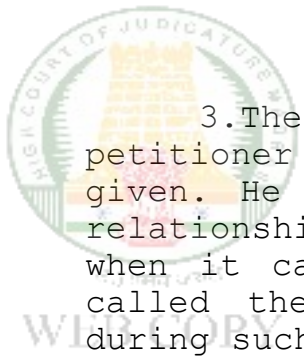
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.578/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C. and Section 4 of TNPHW Act in Crime No.578 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant has been running a private hospital in Chinnamanur. On 17.12.2022 at about 09.00 p.m., when the de-facto complainant was standing at Gandhi Statue bus stop, the petitioner has followed the de-facto complainant. The de-facto complainant warned the petitioner many times about these immoral activities. Due to which, the petitioner scolded the de-facto complainant in filthy language and assaulted her in public place with thin iron rod and intimidated the de-facto complainant with dire consequences. More over, the petitioner and his wife/A2 threatened the de-facto complainant over phone. Hence,



3.The learned counsel for the petitioner would submit the petitioner is an innocent person and a false complaint has been given. He would further submit that it is true that there was a relationship between the petitioner and the de-facto complainant and when it came to the knowledge of the petitioner's wife, she had called the de-facto complainant to sever the relationship and during such time, there was a quarrel and thereby, a false complaint has been given. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner had stalked the de-facto complainant and had abused her in filthy language and had also assaulted her with a small iron rod and later, the petitioner's wife has also threatened the de-facto complaint over phone in filthy language and he would oppose for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and the submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

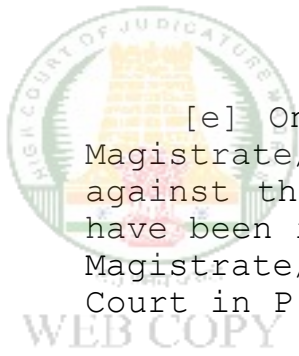
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Chinnamanur, on condition that the petitioner shall execute a bond for 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, daily 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/-

04/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE,
CHINNAMANUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.KISHORE KUMAR V Advocate SR.No.480 (F)

ORDER

IN

CRL OP(MD) No.25 of 2023

Date :04/01/2023

SJI

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