



CRL OP(MD). No.20826 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/11/2023

PRESENT

The Hon'ble Mr.Justice V.SIVAGNANAM

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P.Krishna Kumar,

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
Thirupparangundram Police Station,
Madurai City.
(In Crime No.382/2022).

... Respondent

For Petitioner : Mr.I.Joshua Anandaraj
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.382/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police



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for the offences punishable under Sections 294(b), 354(c), and 509 of IPC and Section 4 of TNPWH Act in Crime No.382 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.09.2022, the defacto complainant along with her sister went to Tirupparankundram Alps Residency Swimming Pool. When they were changing the dress, they heard the sound of taking photo. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is brother of the aforementioned Alps Residency's owner and on the above said date, he was not present at the hotel. He would further submit that the petitioner is the innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police has strongly opposed to grant anticipatory bail to the petitioner, however, he would submit that no previous case is pending against the petitioner.

5.Heard both sides and perused the materials available on the record.

6. Considering the facts and circumstances of the case and taking into consideration the principles stated by the Honourable Supreme Court in **Gurubaksh Singh Sibbia Etc., vs. State of Punjab** reported in 1980 AIR 1632 and **Lal**



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Kamlendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4

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SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC

260 and taking into consideration the origin of crime, it is seen that the alleged

offence against the petitioner is not a case of heinous crime. Further, the petitioner

is having permanent resident at Madurai District. Hence, the principles stated in

Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR

1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court

has cautioned that pre-trial detention is not to be encouraged nor is to be

encourageable pre-trial release on sureties; that if the Court is satisfied after taking

into consideration that the accused has his roots in the community and is not likely

to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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 is made ready, before the learned Judicial Magistrate No.6, Madurai on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed and



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on further condition that :

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[a] the petitioner shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on summons.

[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/-
20/11/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE NO.6
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE SUB INSPECTOR OF POLICE
THIRUPPARANGUNDRAM POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.S.ABINAYASHREE, Advocate (SR-16520[I] dated 20/11/2023)

ORDER
IN

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Date :20/11/2023

SS/SKN/SAR- /01/12/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023