



CRL OP(MD). No.8205 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.8205 of 2024

K.Vivekananthan

... Petitioner/ Accused 1

Vs

The Inspector of Police,  
Kumbakonam East Police Station,  
Kumbakonam, Thanjavur District.  
(Crime No.277/2024)..

... Respondent/Complainant

Nandhini

...Petitioner/Third party/  
Victim & Defacto Complainant  
in CRL MP(MD)No.6489/2024

For Petitioner : Mr.Bharathi S,  
Advocate.

For Respondent : Mr.M.Vaikkam Karunanthi,  
Government Advocate (Crl.Side)

For Intervenor : M/s P.Krishnaveni, Advocate



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

PRAYER :-

For Anticipatory Bail in Crime No.277/2024 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 Section 294(b), 342, 352, 224, 354(A), 498(A), 354(d) and 506(ii) of IPC, r/w 4 of the Tamil Nadu Women Harassment Act in Cr.No.277 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant married the petitioner and the petitioner and his family members harassed, misbehaved, assaulted and threatened the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, the learned counsel prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (criminal side) appearing for the

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respondent police has strongly opposed to grant anticipatory bail to the petitioner.

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However, he would submit that in this case, investigation has been completed and charge sheet yet to be filed.

5. The learned counsel for the intervenor would submit that the petitioner and his family members are harassed the defecto complainant and threatened her with dire consequences. Hence, she strongly opposed to grant anticipatory bail.

6. Considering the facts and circumstances of the case and also considering the fact that the investigation has been completed, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kumbakonam, 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 to the Police Officer, who intends to arrest or 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



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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 every Saturday at 10.00 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]; and;

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

sd/-  
18/07/2024

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/07/2024  
Sub-Assistant Registrar (CS-I/ II / III/ IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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1. THE JUDICIAL MAGISTRATE, KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR @ KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,  
KUMBAKONAM EAST POLICE STATION,  
KUMBAKONAM, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BHARATHI, Advocate ( SR-8082[I] dated 18/07/2024 )

ORDER  
IN  
CRL OP(MD) No.8205 of 2024  
Date :18/07/2024

RK/GS (29/07/2024) 5P / 6C

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