



CRL OP(MD). No.12591 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12591 of 2024

Madasamy

... Petitioner/Sole Accused

Vs

1. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District,
Crime No.350/2024.

2. Maheswari,
(R2 is Suo-Motu Impleaded as per
Order of this Court,dated 07.08.2024
in CrI.O.P(MD).12591/2024).

... Respondents/Complainants

For Petitioner : Mr.E.Mareeskumar,
Advocate.

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.350/2024 on the file of the respondent
police

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



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ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 74, 75, 79, 351(2) BNS,2023 r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Cr.No. 350 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have taken videographs of the defacto complainant, during her bathing in her house and also threatened her and compelled her for illegal conduct. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the facts and circumstances of the case and also considering the fact that the defacto complainant is now said to have been living in Hyderabad and that the cellphone recovered from the petitioner, no such video was found, I am inclined to grant anticipatory bail to the petitioner with certain conditions.



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5. Accordingly, this Petition is allowed and 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 No.II, Sivakasi, 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 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 am for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d) the petitioner shall not abscond either during investigation or trial;

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(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/-

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/08/2024

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

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TO
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1. The Judicial Magistrate No.II,
Sivakasi
2. -do through The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.
3. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.E.MAREESKUMAR, Advocate (SR-9869[I] dated 13/08/2024)

ORDER

IN

CRL OP(MD) No.12591 of 2024

Date : 13/08/2024

RD/SKN (23/08/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.