



CRL OP(MD) No.20832 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Wednesday, the Third day of January Two Thousand and Twenty Four  
PRESENT  
The Hon`ble Mr.Justice M.DHANDAPANI  
CRL OP(MD) No.20832 of 2023

DURAIRAJ

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE  
MADUKKUR POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.234 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN, Advocate  
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 234 OF 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 offence under Sections 351, 354(A) and 354(B) of IPC in Crime No.234 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a divorcee and living separately. The defacto complainant and the petitioner are residing in the same village. The petitioner has tried to misbehave with the defacto complainant. Hence, the Law Enforcing Authority, registered a case against the petitioner.



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3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that due to personal dispute between the petitioner and the defacto complainant, false case has been foisted against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that during the course of midnight, at about 12.30 a.m, when the defacto complainant was attending her natural call, the petitioner entered into the house of the defacto complainant and tried to misbehave with her. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner and the defacto complainant are residing in the same village and are neighbours, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Pattukottai, 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



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to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(f) 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;



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

sd/-  
03/01/2024

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/01/2024

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

dss

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, USILAMPATTI.
- 2 DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, MADUKKUR POLICE STATION,  
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate ( SR-93[I] dated 03/01/2024 )

ORDER IN  
CRL OP(MD) No.20832 of 2023  
Date :03/01/2024

RS/DD/SAR-(08.01.2024) 4P 6C  
Madurai Bench of Madras High Court is issuing  
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