



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

Tuesday, the Twentieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20643 of 2018

VAITHILINGAM

... PETITIONER / SOLE ACCUSED

Vs

THE STATE, BY
THE INSPECTOR OF POLICE
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 475 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

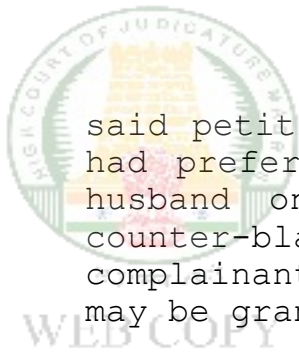
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 342, 354 and 506(ii) I.P.C, in Crime No.475 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the Panchayat Secretary of Achankuttam Village Panchayat. The petitioner submits that the defacto complainant and her husband were employed as temporary Field Workers to prevent dengue fever. Since their work was not satisfactory, the petitioner made a complaint to the Block Development Officer concerned. On his complaint, the defacto complainant and her husband were removed from the job on 16.10.2018. Aggrieved against the same, the present false complaint has been preferred against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged crime. He would further submit that the petitioner herein already moved this Court by way of filing CRL.O.P. (MD).No.1950 of 2018, wherein, it was submitted that no case or no petition is pending against the petitioner. Recording the same, the



said petition was closed on 31.10.2018. Thereafter, the petitioner had preferred a complaint against the defacto complainant and her husband on 14.11.2018 to the Superintendent of Police. As a counter-blast, the present complaint has been given by the defacto complainant on 15.11.2018. Hence, he prayed that anticipatory bail may be granted to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that a petition has been filed before the Chief Judicial Magistrate, Tirunelveli to record the statement under Section 164 of Cr.P.C of the defacto complainant.

5.Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Alangulam 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police as and when required for interrogation;

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
ALANGULAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MR.D.VENKATESH Advocate SR.No. 21919

ORDER

IN

CRL OP(MD) No.20643 of 2018

Date :20/11/2018

MSI/VR-MMS/SAR-IV/26.11.2018-3P/6C