



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20603 of 2018

M.P.MOONGIL SELVAM

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL
(CRIME NO.739/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.VENKATESAN, Advocate
for M/S.RIGHT LAW ASSOCIATES

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) IPC, which was later altered as Sections 353 and 506(i) IPC in Crime No.739 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the successful bidder for the tender of weekly market in Nilakottai Panchayat. The defacto complainant who is the Executive Officer of the Nilakottai Panchayat, filed a writ petition before this Court praying to set aside the earlier tender and to order fresh tender and alleging that the tender proceedings is a malafide one. This Court directed the defacto complainant to file an affidavit. On 14.11.2018, while the defacto complainant was waiting in the Court, the petitioner is said to have called the defacto complainant through phone and threatened him not to file the affidavit. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. He further submitted that the



defacto complainant had filed an affidavit before this Court. But there is no such averment in the affidavit with regard to the incident.

4.The learned Government Advocate (Crl.side) for the respondent police would submit that admittedly, there was a threat over the mobile phone and pursuant to the threat, nothing had been happened. He further submitted that the investigation is pending.

5.Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Dindigul, 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 said Magistrate, 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,

<https://hcservices.ecourts.gov.in/hcservices/>

DINDIGUL.



2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, DINDIGUL

3 THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL.

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

+1. CC to M/S.RIGHT LAW ASSOCIATES Advocate SR.No. 21767

ORDER
IN
CRL OP(MD) No.20603 of 2018
Date :19/11/2018

JM/VR MMS/SAR 1/22.11.2018/3P/6C