



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3466 of 2019

PON ESAKKI

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.66/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.KRISHNAN Advocate

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

For Intervenor : MR.V.P.RAJAN, Advocate

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 alleged offence under Sections 294(b), 504, 505(2) and 506(ii) of IPC in Cr.No.66 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the ruling party Town Secretary. On 24.02.2019 the opposition party conducted public meeting in which the speaker and other persons abused the M.L.A and other party officials for which the defacto complainant, Town Secretary lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has have nothing to do with the alleged offence. He would also submit that he never criticized the MLA and other functionaries in the meeting.

4. The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

6.Considering the facts and circumstances ,the accused persons appears to criticize politically the members of legislative assembly and other party workers, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioners are 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, Nanguneri 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 to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/03/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
NANGUNERI.

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

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.



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

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

+1. CC to Mr.R.KRISHNAN Advocate SR.No.4559

ORDER

IN

CRL OP (MD) No.3466 of 2019

Date :06/03/2019

AE/JC/SAR-I/11.03.2019/3P/6C