



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

Date : 21/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.331 of 2020

BALAMURUGAN

... PETITIONER/ACCUSED RANK NOT KNOWN

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KRIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT,
NOW TENKASI DISTRICT,
CRIME NO.NOT KNOWN OF 2019.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.not known of 2019 on the file
of the Respondent Police

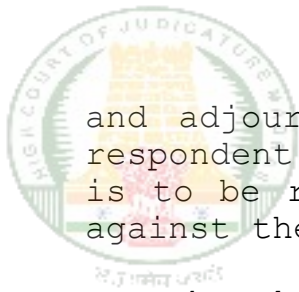
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
506(ii) of I.P.C., in Crime No.Not Known of 2019 on the file of the
respondent police, seeks anticipatory bail.

3. The petitioner filed this petition seeking anticipatory bail
as he apprehended arrest at the hands of the respondent based on the
complaint of one Kaleeshwari. This Criminal Original Petition was
listed before me on 09.01.2020. On the said date, no First
Information Report was registered against the petitioner herein.

<https://hcservices.ecourts.gov.in/hcservices> directed the petitioner to appear before the respondent



and adjourned the case to 21.01.2020. It was directed that the respondent will make a statement as to whether any First Information is to be registered against the petitioner. An interim protection against the arrest of the petitioner was granted.

4. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner was arrested in Crime No.20 of 2020 based on the complaint of the very same Kaleeshwari. The learned counsel specifically alleged that in order to overcome the interim protection given by this Court, the respondent police have obtained a fresh statement from the said Kaleeshwari and registered a case and arrested him.

5. I am not for a moment, going into the tenability of the case against the petitioner. When the matter was listed before me, no First Information Report was registered and the matter was adjourned only to ascertain as to whether a First Information Report is going to be registered or not. Since an adjournment was granted in this case, in the very nature of things, the petition for anticipatory bail cannot be rendered infructuous by effecting the arrest during the intervening period. But the respondent police appears to have deliberately got a fresh First Information Report registered only to overcome the interim order granted in favour of the petitioner herein.

6. I have to necessarily take a serious view of the matter. Taking note of the fact that the arrest was made in breach of the interim order granted by this Court, I convert this anticipatory bail to one of bail. The petitioner who has been arrested in Crime No.20 of 2020, registered on the file of the respondent police for the offences under Sections 294(b), 506(ii) of IPC, is granted bail. It is stated that he is presently confined in Sub Jail, Sankarankovil.

7. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 Judicial Magistrate, Sankarankovil.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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

<https://hccourts.courts.gov.in/Kse6/hasji> vs. State of Kerala [(2005)AIR SCW 5560].



8.Thiru.A.Sankaranarayanan, Sub Inspector of Police, K.V.Nallur police station, was very much present before this Court on 09.01.2020. He was fully aware of the interim protection granted by this Court against the arrest of the petitioner. Mrs.Chithrakala, Inspector of Police, K.V.Nallur Police Station, appears to have instructed Thiru A.Sankaranarayanan to register Crime No.20 of 2020 and also arrest the petitioner.

9.Therefore, I initiate *suo motu* contempt proceedings against Thiru.A.Sankaranarayanan, Sub Inspector of Police, K.V.Nallur and Mrs.Chithrakala, Inspector of Police, K.V.Nallur Police Station, Tirunelveli District, now Tenkasi District. Registry to number the *suo motu* contempt and issue notice to the contemnors.

sd/-
21/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
KRIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT,
NOW TENKASI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, SANKARANKOVIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-982[I] dated 21/01/2020)

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.331 of 2020
Date :21/01/2020

PNN

<https://hcma.cts.rajahmundry.gov.in/hcServices/31.2020/3P/8C>