



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2020

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PRESENT

The Hon'ble Mr.Justice G.R.Swaminathan

CRL OP(MD).No.3528 of 2020

Sundarapandi

... Petitioner/Sole Accused

Vs.

The State Rep. by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
Cr No.23 of 2020.

... Respondent/Complainant

For Petitioner : M/s.K.Seemaraj, Advocate.

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

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

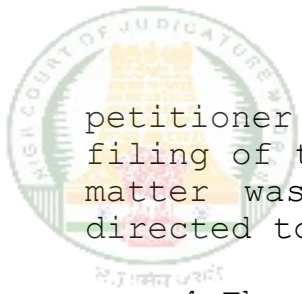
PRAYER :- For Anticipatory Bail in Crime No.23 of 2020 on the file of the Respondent Police.

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), 324 & 506(2) of IPC in Crime No.23 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The petitioner had earlier filed Crl OP(MD)Nos.2268 & 3164 of 2020 seeking anticipatory bail. Both the criminal original petitions had suffered dismissal. While so, this third anticipatory bail petition has been filed by the petitioner herein. In the note to the present petition for anticipatory bail, it has been mentioned that it is the first petition for anticipatory bail. This is obviously a false averment. The learned counsel appearing for the



petitioner states that his client did not inform him about the filing of the earlier anticipatory bail petitions. Therefore, the matter was passed over to the afternoon and the petitioner was directed to be present in person.

4.The petitioner Sundarapandi is present before this Court in person. He is a Panchayat President. He is not an illiterate and rustic villager. He is aware of the ways of the world. I asked him as to whether the petitioner had earlier engaged any other counsel. He admitted that he had engaged an advocate by name Shri.Veluchamy, Thirumangalam Bar. Since the said advocate had told the petitioner that a sum of Rs.50,000/- has to be paid to the defacto complainant and there was also some delay in obtaining relief, the petitioner herein chose to engage the present counsel through a relative. It is thus obvious that the petitioner had knowingly engaged the present counsel by filing an another anticipatory bail petition. He had also not informed the present counsel about his having engaged an earlier counsel. Thus, the petitioner has played with the process of the court. His conduct cannot be lightly viewed.

5.The learned Government Counsel also pointed out that apart from the case on hand, the petitioner is also an accused in Crime No.156 of 2019 on the file of the Kallikudi Police Station and that this Court had granted him anticipatory bail. The petitioner's antecedents are also thus not good.

6.The petitioner realizing his fault prays for forgiveness. He undertakes to execute a bond before the jurisdictional executive magistrate not to involve himself in any other criminal case hereafter. He also states that he will take a Demand Draft for a sum of Rs.10,000/- favoring the defacto complainant and enclose the same along with the surrender petition. The court below will hand over the same to the victim through the respondent police. This is of course without prejudice to the defence in the trial. This Court warns the petitioner to be careful in future. In fact, this Court wanted the payment to be to the tune of Rs.50,000/-. The petitioner pleaded that he does not have the requisite means.

7.Subject to the above said condition, I am inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thirumangalam, and on his executing 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 the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.



8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.SEEMARAJ, Advocate (SR-4178[I] dated 27/02/2020)

ORDER
IN
CRL OP(MD) No.3528 of 2020
Date :26/02/2020

SKM

TE/JC/SAR-II : 04/03/2020 : 3P/6C