



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.07.2020

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P. (MD) No.6748 of 2020 &
Crl.M.P. (MD) Nos.3389 of 2020 & 3463 of 2020

P.Moorthy

... Petitioner/Accused No.
Not known

.. vs..

State through Inspector of Police,
Omachikulam Police Station,
Madurai District
Crime No. 521 of 2020
(For Being Mentioned as per order of
this Court dated 06.07.2020 in
Crl.OP (MD) No.6748/2020)

... Respondent/Complainant

Prayer: Petition filed u/s.438 Cr.P.C., seeking anticipatory bail praying to enlarge the petitioners on bail in the event of their arrest in Crime No.521/2020.

For Petitioner : Mr.N.R.Elango, Sr. Counsel,
for Mr.G.Prabhu Rajadurai
For Respondent : Additional Public Prosecutor
For Intervenor : Mr.G.Karthikeyan

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 448, 294(b) and 506(i) IPC, in Crime No.521 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The main allegation is that the petitioner being a legislative member abused the defacto complainant, who is also a member of other political party for alleged post in the social media about the activities of the accused. The main allegation of the prosecution is that the petitioner had trespassed in to the house of the defacto complainant and scolded him and his family members in abusive language.



3. The learned Senior Counsel appearing for the petitioner submitted that due to political rivalry, the case has been registered against the petitioner.

4. Whereas, the learned counsel appearing for the defacto complainant Mr.Karthikeyan submitted that the petitioner being a legislative member, he should have shown restraint in his activities and the manner in which he had abused the defacto complainant can be seen from the CC TV footage and custodial interrogation is also required in this case, otherwise, the petitioner will tamper the investigation.

5. The Additional Public Prosecutor submitted that the CC TV footage clearly show the manner in which the petitioner has abused the defacto complainant and his family members by trespassing in to his house. He further submitted that the CC TV footage is also recovered by the investigating agency and opposed granting bail.

6. It is seen that except the offence under section 506(i), other offences are bailable offences. Whether or not the allegations are true or false cannot be gone into at this stage. At the same time, keeping in mind, the petitioner being a legislature, his conduct also assumes significance while enlarging him on bail.

7. Having regard to the nature of allegations against the petitioner and the fact that except the offence under section 506 (i), other offences are bailable offences, and CC TV footages have also been recovered in this case, when this Court expressed its view to direct the petitioner to deposit a sum of Rs.50,000/- as non refundable deposit to the Cancer Institute, Adyar, Chennai, the learned Senior Counsel on his instructions from his client has agreed to deposit the amount without prejudice to his rights and contentions before the trial Court.

8. 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 on which the order copy made ready, before the learned **Judicial Magistrate No.V**, Madurai on condition that the petitioner shall execute an own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhaar card or Bank pass Book to ensure his identity.

[b] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) by electronically transferring



the amount, as a non-refundable deposit to the credit of the **Cancer Institute, Adyar, Chennai** and the bank details are as follows :

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BANK DETAILS FOR NEFT

Name of Beneficiary	Cancer Institute (WIA)
Email id :	<u>finance@cancerinstitutewia.org</u>
Phone	044-24437302 , 9445026152
Bank Name and Branch	Andhra Bank MadyaKailash Branch Cancer Institute (WIA) DrKrishnamurthi Complex Sardar Patel Road, Chennai 600036
Savings Bank Account No	149710011005477
IFSC Code	ANDB0001497
Bank MICR No.	600011049

and produce the proof before the Judicial Magistrate and on such production, the Judicial Magistrate shall enlarge the petitioner on anticipatory bail.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 SCW5560]**.

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

9. The miscellaneous petitions in Crl.M.P.(MD) Nos.3889 and 3463 of 2020 are allowed.

sd/-

02/07/2020

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/ /2020

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



1. THE JUDICIAL MAGISTRATE No.V, MADURAI.

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

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

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

COPY TO:-

THE OFFICER IN CHARGE,
CANCER INSTITUTE,
ADYAR, CHENNAI.

ORDER IN
CRL OP(MD) No.6748 of 2020 and
CRL MP(MD) Nos.3389/2020 &
3463 of 2020
Date :02/07/2020

GGs/VRC
TE/JC/SAR-III : 13/07/2020 : 4P/6C