



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

Date : 13/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.7268 of 2020

P.Babu

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District
(Crime No. 419 of 2020).

... Respondent/Complainant

For Petitioner : M/s. B.Duraipandi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 419 of 2020 on the file of
the respondent police

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),
332 and 506(ii) of IPC, seeks anticipatory bail.

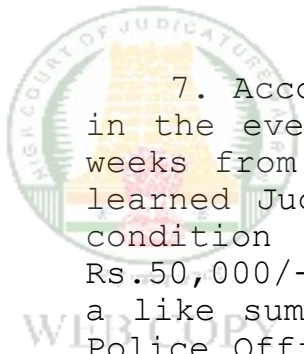
2. Heard both sides.

3.The case of the prosecution is that the defacto complainant
is working as Forest Officer in Rajapalayam Circle. Regarding the
stopping of vehicle in the check post, the petitioner herein abused
the defacto complainant and other officers and also threatened with
dire consequences.

4. The learned counsel for the petitioner would submit that the
petitioner is the owner of the vehicle (TATA ACE) and he has been
falsely implicated in this case.

5. The learned Government Advocate (Criminal Side) would
submit that the petitioner is the owner of the vehicle. He would
also submit that the petitioner along with other accused intimidated
the defacto complainant/forest department officials.

6.Taking into consideration the facts and circumstances of the
case, this Court is inclined to grant anticipatory bail to the
petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to 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/-
13.07.2020

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

DAS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO



2. -Do- Through The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.

3. The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7268 of 2020

Date : 13/07/2020

VB SKN SAR 2 (16.07.2020) 3P 5C