



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

Date : 06/08/2020

PRESENT

WEB COPY

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8131 of 2020

Shanmugarajan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District.
(Crime No.392 of 2020).

... Respondent/Complainant

For Petitioner : Mr.R.Rajaselvan,
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. 392 of 2020 on the file of the respondent police.

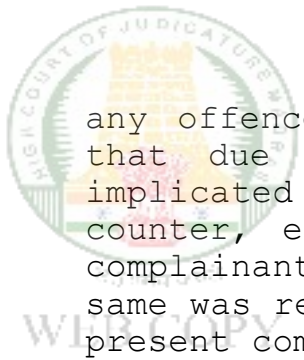
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 323 of IPC r/w Section 3 of TNPPDL Act, in Crime No.392 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Ambulance Driver. Due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, the petitioner in a drunken mood, said to have abused the defacto complainant by using filthy language and also caused damage to the front glass of the Ambulance worth about Rs.3,000/-. Hence, the present complaint.

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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner has been falsely implicated in this case. He further submitted that it is a case in counter, earlier the petitioner has been attacked by the defacto complainant and hence, he has given a complaint against him and the same was registered in Crime No.393 of 2020. As a counter blast, the present complaint has been filed. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a case in counter. He further submitted that on the date of occurrence, the petitioner in a drunken mood, said to have abused the defacto complainant by using filthy language and also caused damage to the front glass of the Ambulance worth about Rs.3,000/-. He further submitted that A2 has already been arrested and released on bail.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and the occurrence said to have taken place in a wordy quarrel and A2 has already been arrested and released on bail, in view of the above circumstances, 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 No.I, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.392 of 2020 before the learned Judicial Magistrate No.I, Ramanathapuram, within a period of two weeks without prejudice to his rights and contentions before the trial Court ;

(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;

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

(g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/08/2020

/ TRUE COPY /

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

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

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
2. DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.RAJASELVAN Advocate (SR.No.13854(F) dated 07/08/2020)

ORDER
IN
CRL OP(MD) No.8131 of 2020
Date :06/08/2020

VSG

<https://hcs.e-courts.gov.in/rcservices/> 12.08.2020/ 3P/6C