



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8569 of 2020

Nazarkhan,

... Petitioner/Accused No-1

Vs

State rep by

The Inspector of Police,

Jayamanagalam Police Station,

Periyakulam Taluk, Theni District.

... Respondent/Complainant

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

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

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

PRAYER :-

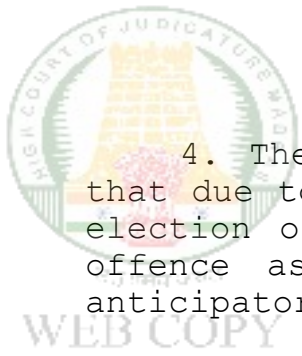
For Anticipatory Bail in Crime No. 231/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b) & 353 of I.P.C., in Crime No.231 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during election, the petitioner along with one person have illegally entered into the election booth and quarreled with the election officers and criminally intimidated them. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the



4. The learned counsel appearing for the petitioner submitted that due to election motive, a false complaint was preferred by the election officer. He further submitted that he did not commit any offence as alleged by the respondent police. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that at the time of occurrence the petitioner was a one of the candidate in the local body election.

6. Considering the facts and circumstances of the case and also considering the fact that the occurrence is of the year 2019, 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 on his appearance before the learned Judicial Magistrate, Periyakulam, and on his executing 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/08/2020

/ TRUE COPY /

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



KSA

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
PERIYAKULAM, THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
JAYAMANAGALAM POLICE STATION,
PERIYAKULAM TALUK, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.K.Neelamegam , Advocate SR.No.6052

ORDER
IN
CRL OP(MD) No.8569 of 2020
Date :20/08/2020

KM:RSK-SAR2 (24.08.2020) 3P 6C