



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8994 of 2020

R.Raviselvan

... Petitioner/1st Accused

Vs

The State rep. by
The Inspector of Police,
Thennilai Police Station,
Karur District.
Cr.No. 318 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Chandrasekar,
Advocate.

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

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

PRAYER :-

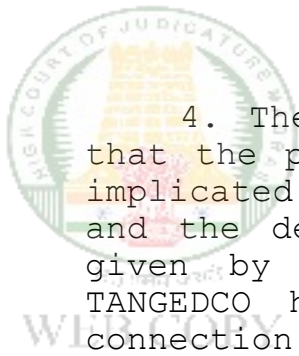
For Anticipatory Bail in Crime No.318 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections-294(b), 324 & 506(ii) of I.P.C., in Crime No.318 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A-1. Due to the previous motive between the parties, the petitioner and other accused persons said to have abused the defacto complainant by using filthy language and attacked him and also made life threat to him. Hence, the complaint.

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



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner and the defacto complainant are neighbours. Based on a complaint given by the petitioner relating to theft of Electricity the TANGEDCO has conducted an enquiry and disconnected the service connection. Due to that motive, a false complaint has preferred by the defacto complainant and this is case in counter. Hence, he seeks anticipatory bail.

5. The learned counsel appearing for the intervener would submit that this is a case in counter and the petitioner has also lodged a complaint against the defacto complainant before the respondent police and the same has been registered in Crime No.319 of 2020 and in that case, the defacto complainant was enlarged on bail.

6.The learned Government Advocate (criminal side), on instructions, submitted that this is a case in counter. He further submitted that the injured has already been discharged from the hospital.

7.Considering the fact and circumstances of the case and considering the fact that this is case in counter and in that case the defacto complainant was enlarged on bail and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif-Cum-Judicial Magistrate, Aravakurichi, 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,

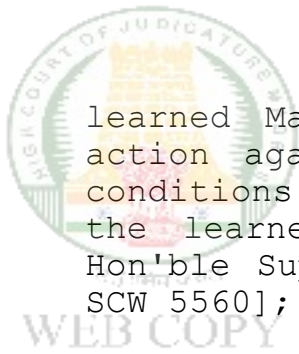
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

<https://hcservices.ecourts.gov.in/hcservices> 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/-
31/08/2020

/ 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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
ARAVAKURICHI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
THENNILAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.CHANDRA SEKAR, Advocate (SR-6209[I] dated 02/09/2020)

ORDER
IN
CRL OP(MD) No.8994 of 2020
Date :31/08/2020

KSA

<https://hccs.ecourts.gov.in/Reserve/> 03.09.2020/ 3P/6C