



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/09/2020

WEB COPY

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.9781 of 2020

Jemsh @ James

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
R.S.Mangalam Police Station,  
R.S.Mangalam,  
Ramanathapuram District.  
(Crime No.254 of 2020)

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,  
Advocate.

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

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

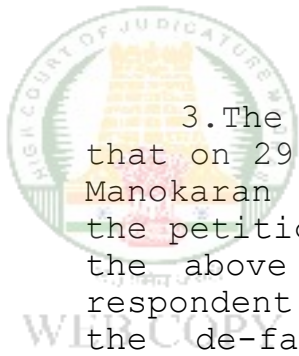
PRAYER :-

For an Anticipatory Bail in Crime No.254 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 379 and 506(ii) of I.P.C., in Crime No.254 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was working as a contract labour of TANGEDCO. On the date of occurrence, there was no electricity supply in Panivayal Village, Ramanathapuram District. Since the electric line was obstructed by the branch of the trees, which belonging to the petitioner, the de-facto complainant asked the petitioner to cut down the trees. Due to which, the petitioner said to have attacked the de-facto complainant and also taken Rs.9000/- from the de-facto complainant and also caused injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that on 29.07.2020, the trees were cut down by Kannan, Kalaimani and Manokaran on the instruction of the de-facto complainant. Hence, the petitioner gave a complaint before the respondent police against the above said persons and the de-facto complainant. But the respondent police did not register the complaint. On the next day, the de-facto complainant gave a false complaint before the respondent police against the petitioner. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that while the de-facto complainant has removed the standing branches of the petitioner's tree, there was a wordy quarrel between them. The petitioner said to have attacked the de-facto complainant and also taken Rs.9000/- from the de-facto complainant and also caused injuries. He would further submit that the injured person in this case has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and the injured person in this case has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

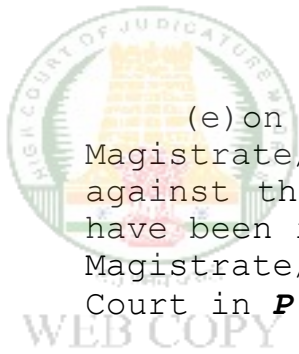
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Thiruvadanai, Ramanathapuram District, on condition 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
15/09/2020

/ 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,  
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE, R.S.MANGALAM POLICE STATION,  
R.S.MANGALAM, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9781 of 2020  
Date :15/09/2020

MS/JC/SAR-4/18.09.2020/3P.5C