



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

Date : 22/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10083 of 2020

Ganesan

... Petitioner/Accused No.4

Vs

The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
in Cr.No. 239 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Sathya Chidambaram,
Advocate.

For Respondent : M/s.S.E. Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :- For an Anticipatory Bail in Cr.No. 239 of 2020 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 147, 148, 294(b), 427, 506(ii) of I.P.C., in Crime No.239 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are six accused in this case and the petitioner is arrayed as A-4. Due to previous enmity between the parties, the petitioner along with other accused persons went to the house of the defacto complainant and throw stones and criminally intimidated 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 only previous enmity is pending between A-1 and the defacto



complainant and this petitioner has not committed any offence as alleged by the prosecution. He further submitted that there is no specific over tact against the petitioner and A-1 & A-3 were already enlarged on bail. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that A-1 & A-3 were already enlarged on bail and some other accused persons are absconding.

6.Considering the fact and circumstances of the case and considering the fact that A-1 & A-3 were already enlarged on bail and there is no specific over tact against the petitioner, 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 No.III, Tirunelveli, Tirunelveli District, 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/-
22/09/2020

/ 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 JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3.THE INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10083 of 2020
Date :22/09/2020

KSA
PK/AKM/SAR-3/24.09.2020 : 3P/5C