



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.10329 of 2020

R.Manoj Kumar

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Cr.No.1781 of 2020)

... Respondent/Complainant

For Petitioner : M/s.M.Shakul Hameed,
Advocate.

For Respondent : Ms.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

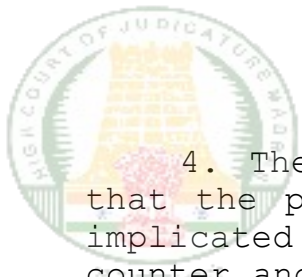
For an Anticipatory Bail in Cr.No.1781 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 & 506(ii) of I.P.C., in Crime No.1781 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute between the parties, the petitioner said to have abused the defacto complainant by using filthy language and try to assault with dire consequences. 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 this is a case in counter and due to land dispute between the parties, this false case has been registered against the petitioner. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that this is a case in counter. He further submitted that A-1 was already enlarged on bail before the Principal Sessions Court, Theni, by order dated 18.09.2020 in CrI.MP No. 2812 of 2020.

6. Considering the fact and circumstances of the case and considering the fact this is a case in counter and civil dispute is pending between the parties and A-1 was already enlarged on bail by the Court below, 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, Uthamapalayam at Theni, 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.

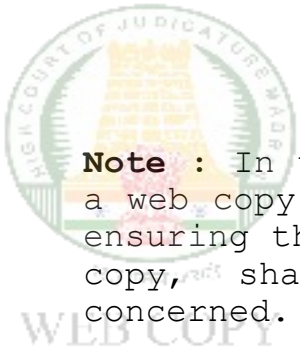
sd/-

25/09/2020

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

ORDER
IN
CRL OP(MD) No.10329 of 2020
Date :25/09/2020

KSA
TE/JC/SAR-II : 30/09/2020 : 3P/5C