



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

Date : 06/10/2020

PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

**CRL OP(MD) . No.10362 of 2020**

G.Manthiramuthu

... Petitioner/Sole Accused

Vs

The State Rep.by its.,  
The Inspector of Police,  
Vilathikulam Police Station,  
Tuticorin District  
in Crime No.248/2020

... Respondent/Complainant

For Petitioner : M/s.J.Jeyakumaran,  
Advocate.

For Respondent : Mr.K.R.Bharathikannan,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.248 of 2020 on the file of  
the Respondent Police

ORDER : The Court made the following order :-

The petitioner who is sole accused apprehending arrest at the hands  
of the respondent police for the offences punishable under sections  
448, 294(b), 352, 506(i)IPC and Section 4 of TNPHW Act in Crime  
No.248 of 2020 on the file of the respondent police, seeks  
anticipatory bail.

2.The case of the prosecution is that the due to previous  
motive, the petitioner abused the defacto complainant in filthy  
language. 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. Hence, he seeks anticipatory bail.



5.The learned Government Advocate (criminal side), on instructions, submitted that there are eight previous cases pending against the petitioner.

6.It is seen that the petitioner involved in 8 cases so far, which are already acquitted and referred. Only one case is pending for trial. It is seen from the affidavit filed by the petitioner and also from the CD with regard to the conversation between the Police Contable and the petitioner that the present case is nothing but a false case foisted against the petitioner to wreck vengences.

7.Considering the above facts and circumstances, 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 Judicial Magistrate, Vilathikulam, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties(one surety should be by a blood relative) 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 learned Judicial Magistrate, Vilathikulam daily at 10.30 a.m., without fail for a period of four weeks and thereafter, 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/-  
06/10/2020

/ 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,  
VILATHIKULAM, TURICORIN DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE  
VILATHIKULAM POLICE STATION,  
TUTICORIN DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.10362 of 2020  
Date :06/10/2020

GNS  
PK/SMA/SAR-IV/09.10.2020 : 3P/5C