



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10480 of 2020

Sebasthirathinam

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No.378 of 2020

... Respondent/Complainant

For Petitioner : M/s.S.Balakarthick,
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 Anticipatory Bail in Crime No.378 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 356 and 506(ii) of I.P.C., in Crime No.378 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Due to civil dispute between the parties, earlier, in a wordy quarrel the defacto complainant pelted stone and also criminally intimidated the petitioner and thereafter, the petitioner has preferred a complainant against the defacto complainant before the respondent police and the same was registered in Crime No. 377 of 2020 for the offences under Sections 294(b), 324 and 506(ii) of IPC. As a counter blast, the present complaint has been filed.



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 due to civil dispute between the parties, this case has been registered against the petitioner. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that civil dispute is pending between the parties. He further submitted that this is a case in counter.

6. Considering the fact and circumstances of the case and considering the fact that civil dispute is pending between the parties and this is a case in counter and the occurrence said to have taken place in a wordy quarrel, 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, Devakottai, Sivagangai, 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/-
29/09/2020

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

ORDER
IN
CRL OP(MD) No.10480 of 2020
Date :29/09/2020

MS/VR/SAR-2/05.10.2020/3P.5C