



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

Date : 05/10/2020

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PRESENT

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

CRL OP(MD) . No.10817 of 2020

R.Ponmani

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondent/Complainant

For Petitioner : Mr.K.Kumaravel,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

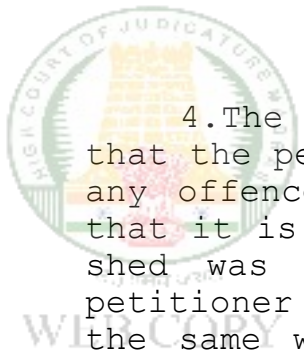
For an Anticipatory Bail in Crime No.382 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 506(i) of I.P.C., in Crime No.382 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to dispute with regard to rent, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner abused the defacto complainant by using filthy language and threatened him with dire consequences. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent persons and he has not committed any offence as alleged by the prosecution. He further submitted that it is a case of case in counter, earlier, the petitioner's car shed was damaged by the defacto complainant, and hence, the petitioner has given a complaint against the defacto complainant and the same was registered in Crime No.381 of 2020 for the offence punishable under Sections 294(b), 448, 427 and 506(i) of I.P.C. As a counter blast, the present complaint has been filed. Hence, he seek anticipatory bail

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that due to rent dispute, the petitioner has threatened the defacto complainant with dire consequences.

6.Considering the facts and circumstances of the case and also considering the fact that the only allegation against the petitioner is that he threatened the defacto complainant and there is no other serious allegation against the petitioner, I am 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kadaladi, Ramnad District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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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, KADALADI,
RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.6779

ORDER
IN
CRL OP(MD) No.10817 of 2020
Date :05/10/2020

VSG
PK/SMA/SAR-4/07.10.2020 : 3P/6C