



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2020

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.11939 of 2020

T.K.P.Raja Pandian

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Thatchanallur Police Station,
Thatchanallur,
Tirunelveli District.
Crime No.1095 of 2020

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.1095 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 297, 427, 294(b), 153A and 506(ii) of I.P.C., in Crime No.1095 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.10.2020, when the de-facto complainant and two others went to the cemetery, which belongs to Sacred Heart Church, the petitioner herein and other accused persons damaged the gravestones and the same was questioned by the de-facto complainant. Due to which, the petitioner and other accused persons said to have attacked the de-facto complainant and threatened him with dire consequences and also caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that no previous case is pending against the petitioner and he would also submit that the injured has been discharged from the hospital.

5.After giving due consideration to the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned the Judicial Magistrate Court No.4, Tirunelveli, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/10/2020

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO 4,
THIRUNELVELI, THIRUNELVELI DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION,
THATCHANALLUR,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11939 of 2020

Date :22/10/2020

SJI

TK/VR/SAR.3/28.10.2020/3P/5C