



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

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PRESENT

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

CRL OP(MD). No.12120 of 2020

V.Arockia Amuthan

... Petitioner/Sole Accused

Vs

State Represented by
The Inspector of Police,
Kulasekarpattinam Police Station,
Thoothukudi District.
Cr.No. 202 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan,
Advocate.

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

For Intervener : Mr.Malaiyendran
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.202 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 205, 417, 465, 468, 469 and 471 of IPC, in Crime No.202 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner sent anonymous complaint to the Directorate of Public Health and Preventive Medicine Department alleging that one of the staff was in a drunken mood and failed to do his official duty. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



4.The learned counsel appearing for the petitioner submitted that initially the defacto complainant has lodged a complaint and the same was enquired and found that the entire allegations are false. Subsequently, the defacto complainant filed a petition under Section 156(3) of Cr.P.C., before the Judicial Magistrate Court, Tiruchendur in Cr.M.P.No.3186 of 2020 and the same was ordered and directed the respondent Police to register the case as against the petitioner. He further submitted there is absolutely no proof to show that the petitioner has sent letter to the department concerned.

5.The learned counsel appearing for the intervener/defacto complainant submitted that the CCTV footage very much clearly shows that the petitioner only has sent a postal letter in the name of the defacto complainant to the department concerned with false allegations.

6.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner has committed very serious offence.

7.Considering the facts and circumstances of the case and also considering the fact that the petitioner has sent a letter in the name of the defacto complainant and there is no serious allegation against the petitioner, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchendur, 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 their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner 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 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/-
02/11/2020

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

ORDER
IN
CRL OP(MD) No.12120 of 2020
Date : 02/11/2020

VSG
TE/SMA/SAR-II : 06/11/2020 : 3P/5C