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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

PRESENT

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

CRL OP (MD) . No.13544 of 2020

Boothalinga Pillai

... Petitioner/sole Accused

Vs

The State Rep. by
The Inspector of Police,
Boothapandi,
Kanyakumari.
Crime No.421 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.V.Vairam Santhosh,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

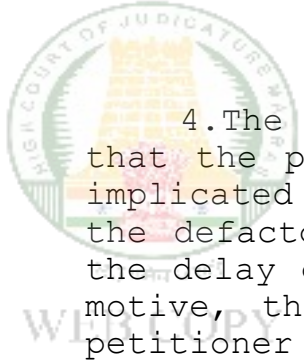
For Anticipatory Bail in Crime No.421 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) & 506(i) of IPC and 4 of Tamilnadu Prohibition of Women Harassment Act, seeks anticipatory bail.

2.The case of the prosecution is that due to non inscribing the petitioner's name in the Panchayath inscription for the new bridge opening function, the petitioner was said to have abused the defacto complainant by using filthy language and threatened him. Hence, the complaint.

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 the petitioner is an innocent person and he has been falsely implicated in this case. The occurrence took place on 13.11.2020 and the defacto complainant lodged a complaint only on 21.11.2020 with the delay of 8 days. It is clearly shows that due to political ill motive, the defacto complainant foisted a false case against the petitioner herein. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that due to non inscribing the petitioner's name in the Panchayath inscription for the new bridge opening function, the petitioner was said to have abused the defacto complainant by using filthy language and threatened him.

6.Considering the facts and circumstances of the case and also considering the fact that there is only threatened was made as against the defacto complainant, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, Kanyakumari 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 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/11/2020

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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,
BOOTHAPANDI,
KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
BOOTHAPANDI,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13544 of 2020
Date : 27/11/2020

DSS
TE/AKM/SAR-II : 03/12/2020 : 3P/5C