



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD) . No.13814 of 2020

1. Vengaian
2. Deivendran

... Petitioners/Accused No.1 and 2

Vs

The Inspector of Police,
Allilnagaram Police Station,
Theni District.

In Crime No. 28 of 2019.

... Respondent/Complainant

For Petitioners: M/s.C.M.Arumugam,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2019 on the file of the
Respondent Police

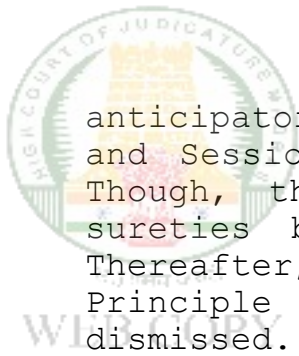
ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
294(b) and 506(2) of IPC seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the elected president of Devendrakula Velalar Uravinmurai. The
defacto complainant conducted Pongal sports event and in the said
sports event, the petitioners have humiliated the losers of the
sports event to use filthy language in the public area. Further they
have given a threat to the public. Hence, the complaint.

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

4.The learned counsel appearing for the petitioners submitted
that the petitioners are innocent persons and they have been falsely
implicated in this case. The petitioners already filed four



anticipatory bail petitions before the learned Principle District and Sessions Judge, Theni and obtained order in favour of them. Though, they have obtained order, they were unable to furnish sureties before the Court concerned due to COVID-19 pandemic. Thereafter, they filed anticipatory bail petition before the Principle District and Sessions Judge, Theni and the same was dismissed. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners already filed four anticipatory bail petitions before the learned Principle District and Sessions Judge, Theni and obtained order in favour of them. Though, they have obtained order, they were unable to furnish sureties before the Court concerned. Thereafter, they filed anticipatory bail petition before the Principle District and Sessions Judge, Theni and the same was dismissed. He further submitted that A1 is having 5 previous cases. A2 is concerned no previous case.

6.It is seen that insofar as A1 is concerned, he is having 5 previous cases. Insofar as A2 is concerned, he got anticipatory bail before the learned Principle District and Sessions Judge, Theni. Even then, A2 could not furnish sureties due to COVID-19 pandemic circumstances. Further, he is having no previous case.

7.In view of the above facts and circumstance, this petition is dismissed as against A1 is concerned. Insofar as A2 is concerned, this Court is inclined to grant anticipatory bail to him with certain conditions.

8.Accordingly, the 2nd petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) as costs to the Hon'ble Chief Justice relief fund and on such deposit, the 2nd 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, Theni, on condition that the 2nd 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 2nd 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 2nd petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks without fail thereafter, as and when required for interrogation.

(c)the 2nd petitioner shall not tamper with evidence or witness
<https://hcservicescourts.gov.in/hcservices/> or interfere during investigation or trial;



(d) the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/12/2020

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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, THENI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALLILNAGARAM POLICE STATION, THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : THE SECTION OFFICER, ACCOUNTS SECTION
(CHIEF JUSTICE RELIEF FUND)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13814 of 2020

Date : 02/12/2020

DSS

PK/JC/SAR-II/09.12.2020 : 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>