



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/12/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.13859 of 2020

Durairaj

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
CrimeNo.1185 of 2020.

... Respondent/Complainant

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

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

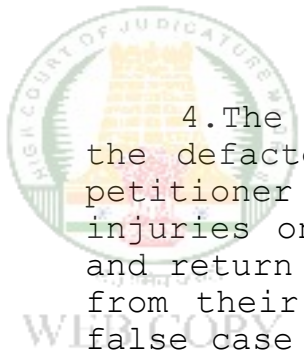
PRAYER :- For an Anticipatory Bail in Crime No.1185 of 2020 on the file of the respondent police.

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 211, 294(b), 353, 417 and 506(ii) of IPC, in Crime No.1185 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant viz., Suresh, who is working as Special Sub Inspector of Police, Thirumangalam Town Police Station alleged in his complaint that he arrested the petitioner in connection with Crime No.1151 of 2020 based on the confession given by one Sivaraman S/o sivanesan. It was alleged further that the petitioner said to have abused the defacto complainant by using filthy language, while he was taken to Judicial Custody at Sub Jail, Melur. Thereafter, the petitioner said to have threatened the defacto complainant and other Police officials. Hence, the present complaint.

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



4.The learned counsel appearing for the petitioner submitted the defacto complainant and other police officials had beaten the petitioner while taking to Sub Jail, Thirumangalam and caused injuries on his head. Thereafter, he was given medical treatment and return to sub jail. He further submitted that in order to escape from their criminal liability, the defacto complainant foisted the false case as against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner said to have abused the defacto complainant by using filthy language, while he was taken to Judicial Custody at Sub Jail, Melur. Thereafter, the petitioner said to have threatened the defacto complainant and other Police officials. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the fact that there is no other serious allegation against the petitioner and custodial interrogation of the petitioner does not require, 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 Judicial Magistrate Court, Thirumangalam, Madurai Distirct, 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 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 *Shri. P. K. S. J. 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/-
02/12/2020

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-7839[I] dated 03/12/2020)

ORDER
IN
CRL OP(MD) No.13859 of 2020
Date :02/12/2020

MS/AKM/SAR-4/10.12.2020/3P.6C