



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/12/2020

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) .No.16087 of 2020

Uthayakumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sankaralingapuram Police Station,
Thoothukudi District.
Crime No. 78/2020.

... Respondent/Complainant

For Petitioner : M/s.R.Murugan,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 78/2020 on the file of the respondent police

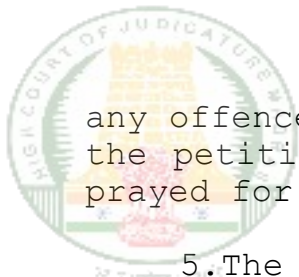
ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 506(ii) of I.P.C., in Crime No.78 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that due to land dispute between the petitioner and the defacto complainant, the petitioner said to have abused the defacto complainant by using filthy language and also threatened him with dire consequences. Hence, the complaint.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that there was a civil dispute pending before the Civil Court between the petitioner and the defacto complainant and the petitioner is having four previous cases.

6.Considering the facts and circumstances of the case and also considering the fact that the offence under Section 506(ii) of IPC is alone a non-bailable offence, I am 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, Thoothukudi 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 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/-
30/12/2020

/ TRUE COPY /

/ /2021
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,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SANKARALINGAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16087 of 2020
Date :30/12/2020

TSG/PJL
MS/PN/SAR-I (04/01/2021) 3P / 5C