



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

Date : 30/12/2020

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

CRL OP(MD) No.16115 of 2020

WEB COPY

A.Krishna Kumar

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No.1368 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Makesh Kumaravel.R.M., Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.1368 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 427 and 506(ii) IPC, in Crime No.1368 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner is said to have rushed into the house of the defacto complainant and broken the TV and caused damages to the defacto complainant's Auto. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner has caused damage to the auto of the defacto complainant and TV and no one has injured.

5. Considering the above facts and circumstances of the case and



also considering the fact that no one has injured, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, 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 his 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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) before the learned Judicial Magistrate, Periyakulam, to the credit of Crime No.1368 of 2020, within a period of two weeks from the date of receipt of a copy of this order.

(c) 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;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

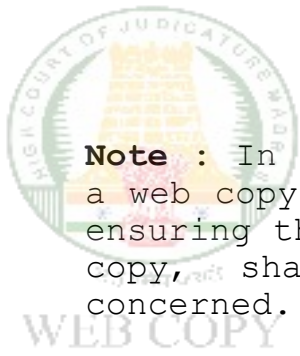
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30/12/2020

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

ORDER
IN
CRL OP(MD) No.16115 of 2020
Date :30/12/2020

TRP/OGY
SRS/PN/SAR-II/04.01.2021/3P/5C