



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13138 of 2021

1 VAIRANATHAN
2 SELVATHIRUMAGAL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PULIYAMPATTI POLICE STATION,
6/142, JAWAHAR MAIN ROAD,
PUNJAI PULIAMPATTI, ERODE,
TAMIL NADU-638459,
(CRIME NO. 249 OF 2021)

[RESPONDENT]

For Petitioner : M/S.R.THIRUMOORTHY Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

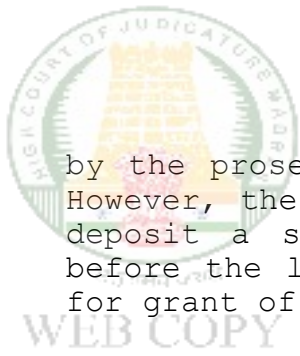
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 506(i) of IPC and in Crime No.249 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a advocate and he was appointed as advocate commissioner by the District Munsif Sathyamangalam in O.S.No.68 of 2021, to inspect the suit scheduled property before the by an order dated 19.07.2021 in I.A.No.4 of 2021. Subsequently when the defacto complainant went to inspect the suit property the petitioners prevented the defacto complaint to discharge his official duty and also confined him in a room. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner only enquired about the case details and informed the defacto complainant that he has not received any summons from the Court. Apart from that he has not t committed any offence as alleged



by the prosecution and he has been falsely implicated in this case. However, the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.10,000/- to the credit of O.S.No.68 of 2021 before the learned District Munisif, Sathyamangalam. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that inspite of the orders passed in I.A.No.4 of 2021 to the defacto complainant to inspect the property, the petitioner prevented the defacto complainant to discharge his official duty and confined him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Sathyamangalam 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) by way of Demand Draft to the credit of O.S.No.68 of 2021, before the learned District Munisif, Sathyamangalam without prejudice to his defence within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SATHYAMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PULIYAMPATTI POLICE STATION,
6/142, JAWAHAR MAIN ROAD,
PUNJAI PULIAMPATTI, ERODE,
TAMIL NADU-638 459.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MUNSIF, SATHYAMANGALAM

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR.8179

CRL OP.13138/2021

Date :05/08/2021

RVR 23/08/2021