



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16983 of 2021

S.PAVUNRAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PERAMBUR POLICE STATION,
MAYILADUTHURAI DISTRICT
CRIME NO.994 OF 2021

[RESPONDENT]

For Petitioner : M/S.R.KUYILAN Advocate

For Respondent : MR.A.GOPINATH, Govt. 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 for the alleged offence punishable under Section 506(ii) of IPC in Crime No.994 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has contested in the MLA Election at Poombukar Assembly Constituency and the petitioner through his son has handed over Rs.5,48,000/- to the defacto complainant and disburse the said amount as bribe amount to the voters of his area. When the defacto complainant has refused to receive and disburse the said amount, the petitioner along with his son threatened him to receive the amount with dire consequences. Hence, the defacto complainant had filed Crl.MP.No.672 of 2021 before District Munsif-Cum-Judicial Magistrate Court, Tharangambadi under Section 156(3) of Cr.P.C for directing the respondent police to



register the FIR as per his complaint dated 05.04.2021 under Section 294(b), 166, 177(f), 341, 307, 448 and 506(ii) of IPC. The learned Judicial Magistrate passed an order dated 19.07.2021 directing the respondent to register the FIR against the petitioner under Section 506(ii) of IPC. Based upon which, the respondent police registered the case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that due to political enmity, a false case has been filed before the Judicial Magistrate Court, Tharangambadi. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the investigation is pending.

5. Considering the submissions on either side and also the fact that the investigation is pending, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif-Cum-Judicial Magistrate, Tharangambadi 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 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(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 petitioners 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/-
23/09/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERAMBUR POLICE STATION,
MAYILADUTHURAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.KUYILAN Advocate on payment of necessary charges

CRL OP.16983/2021

Date :23/09/2021

JPA 11/10/2021