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

Date : 07/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.112 of 2021

M.Pandi

... Petitioner/Sole Accused

Vs

The State rep. by
The Sub-Inspector of Police,
Villoor Police Station,
Madurai District.
(Crime No.1474 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Thirumurugan.T,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)

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

PRAYER :-

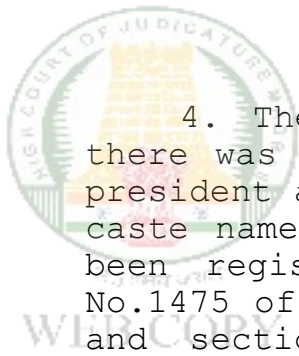
For Anticipatory Bail in Crime No.1474 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 353 I.P.C., in Crime No.1474 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the Defacto Complainant, who is working as Panchayat Secretary had lodged complaint before the respondent police stating that the petitioner made encroachment by way of fencing in public land, based on which, FIR has been registered in Crime No.1474 of 2020.



4. The learned counsel for the petitioner would submit that there was a dispute between the petitioner and the local Panchayat president and the defacto complainant abused the petitioner with his caste name, thereby he preferred complaint, based on which, FIR has been registered against the local Panchayat President in Crime No.1475 of 2020, for the offences under Sections 294(b), 506(i) IPC and sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment, 2015. He would further submit that the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Government Advocate (Criminal side) would submit that this is a case and counter case. The issue involved in this case is the election dispute between the petitioner and the defacto complainant.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court, Peraiyur, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW**



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/01/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
VILLOOR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.112 of 2021
Date :07/01/2021

VRN
SRS/JC/SAR-IV/11.01.2021/3P/5C