



WEB COPY

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

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.144 of 2021

Bothu Ram @ Ram Kumar

... Petitioner/Accused No.2

Vs

State Represented by
The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District.
Crime No. 08 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.

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

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

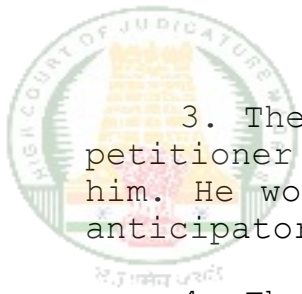
PRAYER :-

For Anticipatory Bail in Crime No.08 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,294
(b),427,352,506(i) of IPC and Section 4 of Tamil Nadu Prohibition of
Smoking and Spitting Act, 2003 seeks anticipatory bail.

2. The case of the prosecution is that when the defacto
complainant was in medical shop the petitioner herein who had come
to purchase medicine was smoking and when the same was objected the
defacto complainant, the petitioner herein criminally intimidated
him and also damaged the board of the medical shop. Hence the
complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that co-accused in this case was granted anticipatory bail by this Court.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein had damaged the board of the medical shop and also criminally intimidated the defacto complainant. He would also submit that co-accused in this case was granted anticipatory bail by this Court.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam 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 is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', without prejudice his rights and on such deposit being made, the learned Magistrate shall accept the sureties furnished by the petitioner

(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.

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

sd/-
18/01/2021

/ 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 NO.I, KUMBAKONAM.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN, THANJAVUR MEDICAL COLLEGE HOSPITAL, THANJAVUR

ORDER
IN
CRL OP(MD) No.144 of 2021
Date :18/01/2021

AAV
AE/KV/SAR-I (20/01/2021) 3P / 6C