



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.448 of 2021

Devavaram Gamaliel Paul

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
South Gate Police Station,
Madurai City
Crime No. 270 of 2019.

... Respondent/Complainant

For Petitioner : MR.S.Poornachandran,
Advocate.

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

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

PRAYER :-

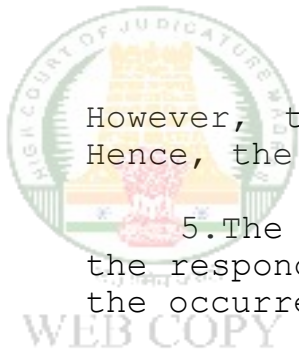
For Anticipatory Bail in Crime No.270 of 2019 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under sections
294(b), 323, 506(i) IPC in Crime No.270 of 2019 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to church election
dispute, the petitioner assaulted the defacto complainant and abused
him in filthy language. Hence, the present complainant.

3.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and he has not committed
any offence as alleged by the prosecution and he has been falsely
implicated in this case. He further submitted that already this
Court granted anticipatory bail to the petitioner on 24.07.2019 in
Crl.O.P.(MD)No.10273 of 2019 and thereafter, the defacto complainant
came forward to compromise the issue and agreed to withdraw the
complaint. Hence, the petitioner did not produce the surety.



However, the defacto complainant did not withdraw the complaint. Hence, the petitioner filed the second anticipatory bail petition.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to church election dispute, the occurrence said to have taken place.

6.It is seen that this Court already granted anticipatory bail to the petitioner. Thereafter, the defacto complainant agreed to withdraw the complaint and hence, the petitioner had not produced the surety. However, the defacto complainant has not withdrawn the complaint.

7.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate IV, Madurai, 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 petitioners 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 appear 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/petitioner thereafter abscond, 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.IV,
MADURAI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3.THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI CITY
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.448 of 2021
Date :18/01/2021

GNS
PK/KV/SAR-III/21.01.2021 : 3P/5C