



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

Date : 19/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.254 of 2021

Bala Murugan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Lalapet Police Station, Karur.
Crime No.726 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.726 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294b),
341 and 506(ii) of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that there was a land dispute
between the petitioner and other co-accused and the defacto
complainant, due to which, the accused persons had intercepted the
son of the defacto complainant and threatened him with dire
consequences and also abused him in a filthy language.

4.The learned counsel for the petitioner would submit that the
petitioner is an innocent and a false case has been foisted against
him.

5.The learned Government Advocate(Crl.Side) would submit that
there was a civil dispute between the them, due to which, the
petitioner and other accused abused the defacto complainant's son by



using filthy language and also threatened him with dire consequences. He would further submit that there is no previous case against the petitioner.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there was a civil dispute and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Kulithalai, 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 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 5560]***; and;

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

sd/-

19/01/2021

/ 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, KULITHALAI
- 2.THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
LALAPET POLICE STATION, KARUR.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.254 of 2021

Date :19/01/2021

LS

PK/KV/SAR-II/25.01.2021 : 3P/5C