



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.461 of 2021

Vengaiyan

... Petitioner/Petitioner/
Accused No.1

Vs

The Inspector of Police,
Allilnagaram Police Station,
Theni District.
In Crime No. 28 of 2019.

... Respondent/Respondent/
Complainant

For Petitioner : MR.S.Sathya Chidambaram,
Advocate.

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

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

PRAYER :-

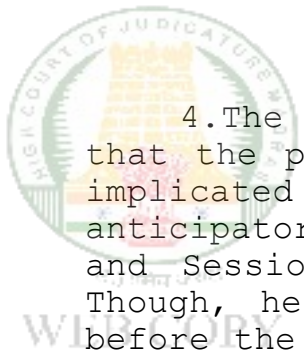
For Anticipatory Bail in Crime No.28 of 2019 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b)
and 506(ii) of IPC seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the elected president of Devendrakula Velalar Uravinmurai. The
defacto complainant conducted Pongal sports event and in the said
sports event, the petitioner and other accused have humiliated the
losers of the sports event to use filthy language in the public
area. Further they have given a threat to the public. Hence, the
complaint.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner has already filed four anticipatory bail petitions before the learned Principle District and Sessions Judge, Theni and obtained order in favour of him. Though, he has obtained order, he was unable to furnish sureties before the Court concerned due to COVID-19 pandemic. Thereafter, he has filed anticipatory bail petition before the Principle District and Sessions Judge, Theni and the same was dismissed. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioner already filed four anticipatory bail petitions before the learned Principle District and Sessions Judge, Theni and obtained order in favour of him. Though, he has obtained order, he was unable to furnish sureties before the Court concerned. Thereafter, he filed anticipatory bail petition before the Principle District and Sessions Judge, Theni and the same was dismissed. He further submitted that the petitioner is having 5 previous cases.

6.In view of the above facts and circumstance, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, Theni District, 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 daily at 10.30 a.m for a period of two weeks without fail 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, THENI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALLILNAGARAM POLICE STATION, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.461 of 2021
Date :18/01/2021

VSG
PK/JC/SAR-II/25.01.2021 : 3P/5C