



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.362 of 2021

Idhayachandran @ Idayachandran ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.
Crime No.164/2015.

... Respondent/Complainant

For Petitioner : Mr.M.Vigneshkumar,
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.164/2015 on the file of the Respondent Police.

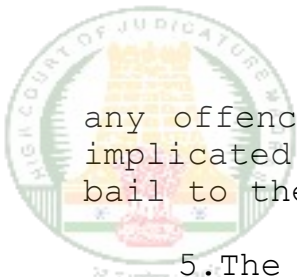
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323 and 506(ii) of IPC and Section 4 of Tamilnadu Women Harassment Act, 2002, in Crime No.164 of 2015 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner said to have abused the defacto complainant and his family members by using filthy language and also assaulted him with hands and caused injuries. Hence, the present complainant.

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 petitioners 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. Hence, he prayed for grant of anticipatory bail to the petitioner.

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

6.It is seen that the petitioner is a practicing advocate at Madurai. The offence said to have taken place in the year 2015. It is also seen that the petitioner was not arrested and the summon was issued to the petitioner in C.C.No.98 of 2016 at his native Villathikulam. On 04.01.2021, in the presence of Village Administrative Officer, the summon was stuck and thereafter, the same was reported to the trial Court and hence, the case was posted on 19.01.2021. The petitioner apprehends issuance of Non Bailable Warrant and arrest, he undertakes to appear before the trial Court.

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 District Munsif cum Judicial Magistrate Court, Vilathikulam, Tuticorin 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 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 learned District Munsif cum Judicial Magistrate Court, Vilathikulam, Tuticorin District, at 10.30 a.m on all future hearing dates.

(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 were breached 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.

WEB COPY

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

ORDER
IN
CRL OP(MD) No.362 of 2021
Date :18/01/2021

MS/PN/SAR-3/18.01.2021/3P.5C