



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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.801 of 2021

Sengaimaran

... Petitioner/Accused
Rank Not Known

Vs

State Rep.By
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.613/2020.

... Respondent/Complainant

For Petitioner : Mr.J.M.Kumar,
Advocate.

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

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

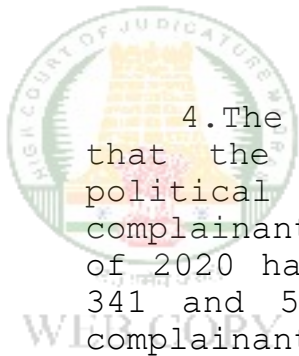
PRAYER :- For Anticipatory Bail in Crime No.613 Of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.Rank Not Known, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 323 and 506(ii) of IPC and Section 4 of TNPHW Act, and Section 3 of Tamil Nadu Public Property (prevent of Damage & Loss) Act, 1992, in Crime No.613 of 2020 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 08.12.2020, the defacto complainant, who belongs to the rival political party, had lodged a complaint stating that the petitioner along with 50 persons came to his shop and threatened the defacto complainant and his family members with dire consequences and also caused damage to the shop.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner viz., Sengaimaran, who belongs to another political party, had lodged a complaint against the defacto complainant and his family members, for which, FIR in Crime No.614 of 2020 has been registered for the offence under Sections 294(b), 341 and 506(i) of IPC. He further submitted that the defacto complainant came to be lodged the present complaint only to escape from the above said offence. As a counter blast, the present false case has been foisted as against the petitioner.

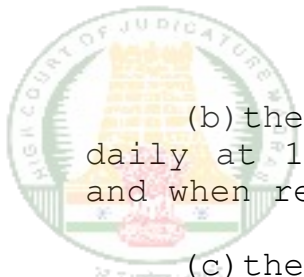
5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner by using political influence, has been committed various offences. He further submitted that there are nearly 10 previous cases against the petitioner involving disturbance of public peace adhering provocative speech and posting abusive pictures and messages in the social media and further during the COVID-19 period, the petitioner has not obeyed the restraining orders and living freely and causing disturbance public peace and in one of the cases, he had also disturbed the movement of the rail way traffic.

6.It is seen that the petitioner has involved 10 previous cases. It is seen that out of ten cases, two cases are pending trial, three cases are under investigation and five cases are not taken on file. The defacto complainant is the none other than the opponent political party. Earlier anticipatory bail application was dismissed by this Court. Till date, the respondent police is unable to secure the petitioner, now he has approached this Court and he is ready and willing to cooperate the investigation.

7.Considering the above facts and circumstances of the case and also considering the fact that it is a case in counter, 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 District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai 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 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/-

01/02/2021

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

ORDER IN

CRL OP(MD) No.801 of 2021

Date :01/02/2021

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