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

Date : 10/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1072 of 2021

Jeeva

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Patteeswaram Police Station,
Patteeswaram,
Thanjavur District.
(Crime No.1220/2020).

... Respondent/Complainant

For Petitioner : Mr.Sankar.S,
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.1220 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 341, 342 and 506(ii) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that in a wordy quarrel, the petitioner along with others caught hold the de-facto complainant and abused him with filthy language and assaulted him with steel object and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. Though he was involved in a criminal case earlier and in all the four cases, the



petitioner was acquitted and no case is pending against the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner is a history sheeter and he is having eight previous cases to his credit in Crime Nos.270 of 2008 and 23 of 2009 of Kumbakonam West Police Station, Crime Nos.222 of 2008, 73 of 2012, 77 of 2012, 84 of 2013, 364 of 2018 and 146 of 2019 of Kumbakonam Taluk Police Station. He would further submit that the petitioner is a regular offender and hence, he strongly objected to grant anticipatory bail to the petitioner.

5.It is seen that this Court had initially dismissed the petitioner's application in Crl.O.P.(MD)No.11751 of 2020, dated 29.10.2020 and thereafter, it was renewed by the petitioner in Crl.O.P.(MD)No.14056 of 2020 and the same was also dismissed on 04.12.2020. It is also seen that this is the petitioner's third anticipatory bail application, despite the first anticipatory bail petition dismissed as early as on 29.10.2020, the petitioner is yet to be apprehended by the respondent police. Now the petitioner has come forward to surrender and appear before the respondent police. Since the respondent police for the past four months are incapable of arresting the petitioner and the petitioner himself is willing to appear, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.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 No.II, Kumbakonam, 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., until further orders.

(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.

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sd/-
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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 JUDICIAL MAGISTRATE No.II, KUMBAKONAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTEESWARAM POLICE STATION,
PATTEESWARAM,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1072 of 2021
Date :10/02/2021

SJI
TE/SMA/SAR-III : 16/02/2021 : 3P/5C