



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

Date : 04/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1514 of 2021

Dinesh Rajasingh

... Petitioner/1st Accused

Vs

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Thattarmadam Police Station,
Tuticorin District
Crime No. 5/2021.

... Respondent/Complainant

For Petitioner : Mr.R.Balakrishnan,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Government Advocate (Crl.Side)

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

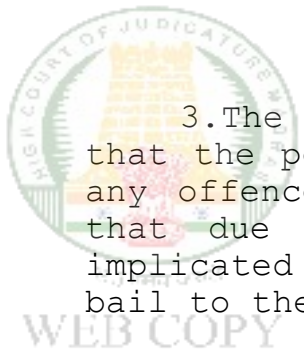
PRAYER :-

For Anticipatory Bail in Crime No.5/2021 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 offence punishable under sections 147, 148, 294(b), 452, 427, 352 and 506(ii) of IPC, in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was elected as President of Arasanur Village Panchayat and the defacto complainant is a employee of the Jumbo Sweets. They are manufacturing sweets and other snacks item in the godown of the said shop, and they are draining the waste water in the public area. When the same was questioned by the petitioner, there was a wordy quarrel between them. Due to which, the petitioner said to have abused the defacto complainant and caused damage to the shop. Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

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

5.Considering the facts and circumstances of the case and also considering the fact that due to previous enmity, the occurrence said to have taken place and except damaged, no other serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall draw a demand draft in favour of **The Dean, Government Medical College Hospital, Thoothukudi, for a sum of Rs.15,000/- (Rupees Fifteen Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance / submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by The Dean, Government Medical College Hospital, Thoothukudi, 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, Sathankulam, 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 <https://hcservices.courts.gov.in/hcservices/> 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/02/2021

/ 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, SATHANKULAM,
- 2.DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE DEAN, GOVERNMENT MEDICAL COLLEGE HOSPITAL,
THOOTHUKUDI

ORDER
IN
CRL OP(MD) No.1514 of 2021
Date :04/02/2021

vsg
PK/JC/SAR-II/09.02.2021 : 3P/6C