



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

Date : 05/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD).No.1613 of 2021

Citambaram @ S.Chidhambaram
(Wrongly Mentioned as Citambaram in
Cr.No.754/2020 Instead of S.Chidhambaram)

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.754/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Vanchinathan,
Advocate.

For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

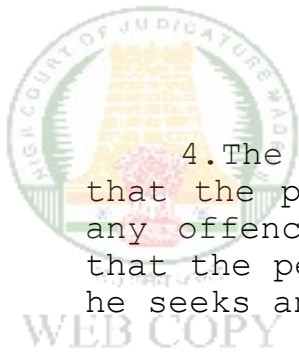
For Anticipatory Bail in Crime No.754 of 2020 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 294(b), 353 and 506(i) IPC, in Crime No.754 of 2020 on the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.12.2020, the
petitioner visited the defacto complainant's office to prevent his
official duty, scolded and defamed the defacto complainant's
department 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 not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the petitioner visited the defacto complainant's office to prevent his official duty, scolded and defamed the defacto complainant's department.

6.It is seen that the petitioner is working as Junior Assistant in the Commercial Tax Department. His wife lodged a complaint before the District Collector, Sivagangai on 19.09.2019 that the cement road laid in front of her house was not properly laid, due to which, water stagnates causing health issues. Thereafter, the District Collector, Sivagangai, had issued proceedings dated 24.09.2020 in Na.Ka.No.2081/2020/D3, directing the defacto complainant to complete the work immediately giving priority. Since no progress was in the work, the petitioner visited the defacto complainant's office for enquiring the same.

7.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

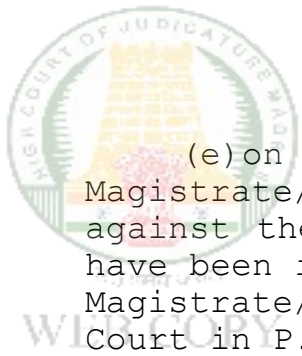
8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, Sivagangai District, on condition that the petitioner shall execute 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, 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



(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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/02/2021

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

ORDER
IN
CRL OP(MD) No.1613 of 2021
Date : 05/02/2021

SM
TK/PN/SAR.1/16.02.2021/3P/5C