



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.1909 of 2021

Chelladurai

... Petitioner/Accused No.2

Vs

The State rep by
Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.
Crime No. 27 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G,
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.27 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

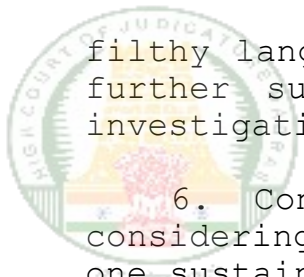
Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 294(b)
and 506(i) of IPC., r/w Section 4 of TNPHW Act, in Crime No.27 of
2021, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 18.01.2021, due to
previous enmity, there was a wordy quarrel between the petitioner
and the defacto complainant, due to the which, the petitioner
attacked the defacto complainant and scolded him with filthy
language.

4. The learned counsel for the petitioner submits that the
petitioner did not commit any offence, as alleged by the prosecution
and he is an innocent.

5. The learned Government Advocate (crl.side) appearing for the
respondent Police, on instructions, would submit that 18.01.2021,
due to previous enmity, there was a wordy quarrel between the
petitioner and the defacto complainant, due to the which, the
petitioner attacked the defacto complainant and scolded him with



filthy language and no one sustained injury in this case. He would further submit that it is a case of case and counter and the investigation is under progress.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case of case and counter and no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

7. 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, Sankarankovil 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;

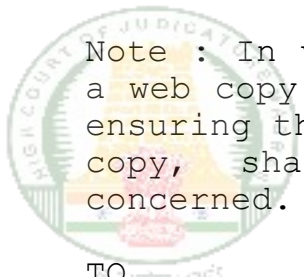
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
16.02.2021

/ 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, Sankarankovil.
2. -Do- Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Kuruvikulam Police Station, Tenkasi
District. Crime No. 27 of 2021.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1909 of 2021
Date : 16/02/2021

VB JC SAR 1(19.02.2021) 3P 5C