



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.1887 of 2021

Sudhakar

... Petitioner/Accused

Vs

State rep by,
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.45 of 2021)

... Respondent/Complainant

For Petitioner : Mr.V.Thisai Indiran
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.45 of 2021 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 452 and 506(ii) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that on 27.01.2021, the petitioner said to have trespassed into the de-facto complainant's house and threatened his mother-in-law using with knife. Due to the sound given by the de-facto complainant's mother-in-law, the petitioner run away from the scene of occurrence. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that no previous case is pending against the petitioner. Due to some personal motive, the de-facto complainant gave a false complaint against this petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that no previous case is pending against the petitioner and nothing was recovered from the petitioner herein.

5.Considering the facts and circumstances of the case and also considering the fact that nothing was recovered from the petitioner herein and no previous case is pending against the petitioner, 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, Mudukulathur, 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 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.

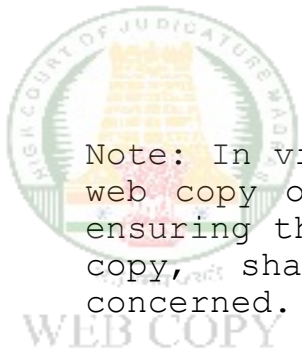
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10/02/2021

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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 JUDICIAL MAGISTRATE, MUDUKULATHUR
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1.CC To.Mr.Mr.V.THISAI INDIRAN, Advocate in SR No.924

ORDER
IN
CRL OP(MD) No.1887 of 2021
Date :10/02/2021

SJI
PK/JC/SAR-III/15.02.2021 : 3P/6C