



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2332 of 2021

A.Abdul Rajack

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Palakarai Police Station,
Trichy City.
(Crime.No.114/2021).

... Respondent/Complainant

For Petitioner : M/s.Anbunithi.R.M.,
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.114/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 353 and 506(i) of I.P.C., on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a surveyor of Ariyamangalam Division, Trichy District. On the date of occurrence, the petitioner attacked the de-facto complainant and prevented the de-facto complainant from doing his duty and also abused him with filthy languages. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner never committed any offence as alleged by the prosecution and the petitioner have given a petition before the de-facto complainant to survey his property, but the de-facto complainant was delaying to survey the petitioner's property. When the same was questioned by the petitioner, a false case has been foisted against him.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner attacked the de-facto complainant and prevented the de-facto complainant from doing his duty and also abused him with filthy languages. He further submitted that it is a counter case.

5.Considering the facts and circumstances of the case and also considering the fact that it is a counter case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 No.V, Trichy, Trichy 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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.V,
TRICHY.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE
PALAKARAI POLICE STATION, TRICHY CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.M.ANBUNITHI, Advocate SR.No.1744

ORDER
IN
CRL OP(MD) No.2332 of 2021
Date :03/03/2021

NR/VR/SAR-IV(11.03.2021) 3P:6C