



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2502 of 2021

Chandr @ Chander Ganesan

... Petitioner/Accused(1)

Vs

The State Rep. by
The Inspector of Police,
Sessions Court Police Station,
Trichy.
Crime No. 115 of 2021

... Respondent/Complainant

For Petitioner : Mr.Balasubramanian P,
Advocate.
For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.115 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), 451, 427 and 506(ii) of I.P.C., in Crime No.115 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that petitioner along with other entered into the showroom and asked donation for Rs.1 Lakh to conduct the conference at Madurai on behalf of the Veera Mutharaiyar Munetra Sangam. Since, the defacto complainant refused to give the same, accused 2 to 4 entered into the car showroom and damaged glasses. Hence, the present complaint.



4. The learned counsel for the petitioner submitted that the accused asked donation for conducting conference on 27.01.2021 but the defacto complainant's car glasses were broken on 06.02.2021. If there is any instigation, the petitioner would have damaged the car glass on that date itself, but it was damaged after 10 days. Hence, the petitioner did not commit any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side) submitted that the other accused are absconding. The damage is worth about Rs.1 Lakh. The custodial interrogation of the petitioner is warranted in this case. Hence, he prays for dismissal of this petition.

6. There are four accused in this case. The petitioner arrayed as A1. Proportionately, the damage is to be divvied. In view of the same, the petitioner shall pay a sum of Rs.25,000/- to the defacto complainant directly.

7. In the view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the defacto complainant directly and on producing of acknowledgement, 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 Judicial Magistrate Court No.II, Trichy, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/02/2021

/ 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 No.II, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2502 of 2021
Date :17/02/2021

IAS
TE/JC/SAR-III : 25/02/2021 : 3P/5C