



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

Date : 26/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3090 of 2021

1.John Alexander
2.Ashok

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Pudukkottai Police Station,
Tuticorin District.
Crime No.55/2021

... Respondent/Complainant

For Petitioners: Mr.N.Anandakumar,
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. 55/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 506(ii) of IPC, in Crime No.55 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was on duty, the petitioners were passing through the Emergency Gate by their car. When the same was questioned by the defacto complainant, the petitioners were said to have waylaid the defacto complainant and abused him by using filthy language and also threatened him with dire consequences. Based on the complaint given by the defacto complainant, a complaint has been registered against the petitioners.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the

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4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

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5.The learned Government Advocate (Crl. Side), on instructions, submitted that except threat, there is no other serious allegation against the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and except threat, there is no other serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the first petitioner shall draw a demand draft in favour of Lucia Society for the Blind and Other Disabled, 2/118, Lucia Nagar, Meelavittan (P.O), Thoothukudi-2, for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) without prejudice to his rights and contentions before the trial Court. The first petitioner shall produce the proof of remittance /submission of Demand Draft to Lucia Society for the Blind and Other Disabled, while executing sureties. On acknowledgment of the same by the Lucia Society for the Blind and Other Disabled, 2/118, Lucia Nagar, Meelavittan (P.O), Thoothukudi-2, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tuticorin, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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:

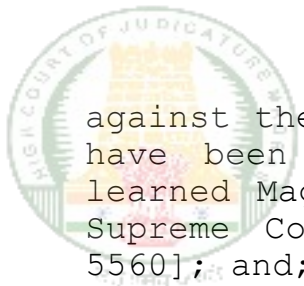
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/02/2021

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/ /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.III, TUTICORIN.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PUDUKKOTAI POLICE STATION,
TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
LUCIA SOCIETY FOR THE BLIND AND OTHER DISABLED,
2/118, LUCIA NAGAR,
MEELAVITTAN (P.O), THOOTHUKUDI-2

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-1587[I] dated 01/03/2021)

ORDER
IN
CRL OP(MD) No.3090 of 2021
Date :26/02/2021

VSG
TK/PN/SAR.3/02.03.2021/3P/7C

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