



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.3202 of 2021

1. K.P.R.Varatharajan

2. M.Vivek

... Petitioners/Accused Nos.1 & 2

Mani

... Petitioner / Intervener /
Defacto Complainant in
Crl.MP (MD) No.2142/2021

Vs

The Inspector of Police,
Boothapandi Police Station, Boothapandi,
Kanniyakumari District.
(Crime No.65/2021).

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan. Advocate

For Respondent : Mr.M.Ganesan,

Government Advocate (Crl.Side)

For Intervenor : Mr.R.Senthil Kumar, Advocate

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

PRAYER :-

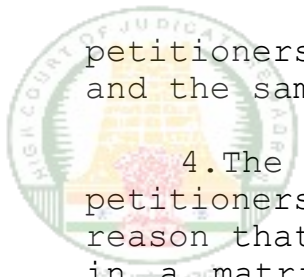
For Anticipatory Bail in Crime No.65/2021 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 323 and 506(i) IPC in Crime No.65 of 2021, seek anticipatory
bail.

2.The case of the prosecution is that the defacto complainant
is an Advocate, who is appearing on behalf of the first petitioner's
wife in a maintenance case. On 24.02.2021, when the defacto
complainant stood in front of the Advocate's chamber, the
petitioners herein threatened the defacto complainant and also
abused him. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they did not commit any offence
as alleged by the prosecution. He further submitted that the



petitioners also lodged a complaint against the defacto complainant and the same is pending.

4.The learned counsel for the intervenor submitted that the petitioners threatened and abused the defacto complainant for the reason that he is appearing on behalf of the first petitioner's wife in a matrimonial case. If anticipatory bail is granted to the petitioners, they will continue their activities and hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.side) submitted that totally there are two accused in this case and the defacto complainant, who is an Advocate appeared on behalf of the first petitioner's wife in a maintenance case. Hence, there was a dispute arose, for which, a case and counter case are pending against the petitioners and the defacto complainant.

6.Heard the learned counsel appearing for the petitioner, the learned counsel for the intervenor and the learned Government Advocate(Crl.side) appearing for the respondent.

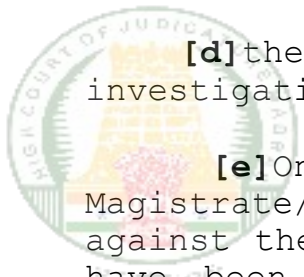
7.It is seen from the submissions that on 24.02.2021 when the defacto complainant, who is an Advocate, was standing in front of the Advocate's Chamber, the petitioners abused him and threatened him by stating that he should not appear on behalf of the first petitioner's wife. It is also reported that a complaint was given against the defacto complainant alleging that he was abused, attacked and criminally intimidated. Considering the fact that a case and counter case are pending and except offence under Section 506(i) IPC, other offences are bailable, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, Kanniyakumari District on condition that the petitioner 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 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 respondent police daily at 10.30 am., for a period of two weeks and thereafter, 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/04/2021

/ 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
BOOTHAPANDI, KANYAKUMAR DIST
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL
 - 3 THE INSPECTOR OF POLICE
BOOTHAPANDI POLICE STATION, BOOTHAPANDI,
KANNIYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PRAGALATHAN.N. Advocate SR.No. 3003

ORDER
IN
CRL OP (MD) No.3202 of 2021
Date :07/04/2021

SMA/PN/SAR-2/19.04.2021 : 3P/6C