



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

Date : 01/04/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.5037 of 2021

Jegan @ Billa Jegan ... Petitioner/Accused

Vs

1. The State,  
Rep.by Inspector of Police,  
Thiruchendur Taluk Police Station,  
Thoothukudi.  
Cr No. 132/2021..

2. Muthuvelpandi ... Respondents/Complainants

For Petitioner : Mr.Vishnuvardhan.S.,  
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. 132/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, 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.132 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to election motive, the petitioner was said to have abused the defacto complainant by using filthy language and also threatened him through mobile phone with dire consequences. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner undertakes that he will not cause any threat or disturbance to others. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to election motive, the occurrence said to have taken place.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner undertakes that he will not cause any threat or disturbance to others, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Tiruchendur, 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
01/04/2021

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/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE  
THIRUCHENDUR TALUK POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.5037 of 2021  
Date :01/04/2021

MS/PN/SAR1/19.04.2021/2P/5C