



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

Date : 17/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5457 of 2021

M.Lingam ... Petitioner/Accused No.2

Vs

State Rep. by  
The Inspector of Police,  
Vilampatti Police Station  
Dindigul District.  
Crime No. 89 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Subbiah.P.,  
Advocate.

For Respondent : Mrs.R.Anandhadevi,  
Government Advocate (Crl.Side)

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

PRAYER :- To Anticipatory Bail in Crime No.89 of 2021 on the file  
of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
294(b) and 324 IPC in Crime No.89 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 06.04.2021, the  
petitioner and other accused person illegally demanded money from  
the defacto complainant and when the he refused to give money, the  
accused persons attacked him and also abused him in filthy language.  
Hence, the complaint.

3.The learned counsel for the petitioner submitted that the  
petitioner is an innocent person and he did not commit any offence  
as alleged by the prosecution. He further submitted that the  
petitioner also gave a complaint against the defacto complainant and  
others, which was registered in Crime No.88 of 2021.

4.The learned Government Advocate(Crl.side) submitted that the  
injured person has been discharged from the hospital.



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

6. It is seen from the submissions made that the petitioner is said to have illegally demanded money from the defacto complainant and when he refused to give, the accused persons attacked him and also abused him. It is also seen that a case in Crime No.88 of 2021 was also registered against the defacto complainant and other accused. In this case, the injured person is said to have been discharged from the hospital. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, 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 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 respondent police daily at 10.30 am., until further orders.

[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]**.

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

sd/-  
17/04/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
  - 3 THE INSPECTOR OF POLICE  
VILAMPATTI POLICE STATION,  
DINDIGUL DISTRICT.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.P.SUBBIAH, Advocate ( SR-3183[I] dated 19/04/2021 )

ORDER  
IN  
CRL OP(MD) No.5457 of 2021  
Date :17/04/2021

GNS  
JM/VR/SAR II/22.04.2021/3P/6C