



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

Date : 19/04/2021

PRESENT

The Hon'ble Mr. Justice G. CHANDRASEKHARAN
CRL OP(MD).No.5537 of 2021

WEB COPY

P. Duraipandi

... Petitioner/Accused

Vs

State rep. By
The Sub Inspector of Police,
Madagupatti Police Station,
Sivagangai District
(Crime No.77 of 2021)

... Respondent/Complainant

For Petitioner : Mr. Sakthivel.C.,
Advocate.

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

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

PRAYER :-

To Anticipatory Bail in Crime No.77 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as an accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 323 and 506(i) of IPC, in Crime No.77 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and some of his villagers will lead the town festival. On 28.03.2021 at about 8.30 a.m., when the defacto complainant was at a Tea shop, the petitioner threatened and abused him by saying that he will kill him. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that it is a case in counter. The respondent police has registered a case in Crime No.78 of 2021 for the offence under Sections 294(b) and 323 IPC as against the defacto complainant. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that it is a case in counter and the injury sustained by the defacto complainant is only simple in nature.



5. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and the injury sustained by the defacto complainant is simple, this Court is inclined to grant anticipatory bail to the petitioner.

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6. 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 No.1, Sivagangai, 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 a.m. 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.

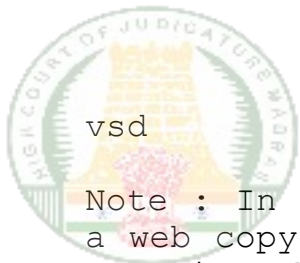
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
19.04.2021

/ TRUE COPY /

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



vsd

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.1, SIVAGANGAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.5537 of 2021
Date : 19/04/2021

VB/PN/SAR-III (22/04/2021) 3P / 5c