



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

Tuesday, the Twenty Seventh day of April Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)Nos.5558 and 5468 of 2021

Suresh @ Suresh Kumar ... Petitioner/Accused(sole) in both Crl.OPs

Vs

The State Through
The Inspector of Police,
Mudukalathur Police Station,
Ramanathapuram District.
(Crime Nos.153 & 178 of 2021).

... Respondent/Complainant in both Crl.OPs

For Petitioner : Mr.Senthilmurugan.C.,
Advocate in both Crl.OPs

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)in both Crl.OPs

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

COMMON PRAYER:-

For Anticipatory Bail in Crime No.153 & 178 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 435 and 506 (ii) of IPC in Crime No.153 of 2021 and Sections 294(b) and 506 (ii) of IPC in Crime No.178 of 2021 on the file of the respondent police, the petitioner has come forward with the petitions seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions made that the case of the prosecution in Crime No.153 of 2021 is that the petitioner was taking bath nude in the tank meant for women and that was questioned by the defacto complainant and one Umashankar. Therefore, the petitioner was angry with the defacto complainant. On 01.04.2021, at about 12.50 p.m., when the petitioner came to the hostel, where the defacto complainant was working, under the influence of Alcohol with an intention to attack the defacto complainant, he saved



himself by closing the door. Thereafter, the petitioner set fire the defacto complainant's bike bearing Registration No.TN-65 H 3357. The petitioner caused damage worth of Rs.50,000/-, intimidated him and left the scene of occurrence.

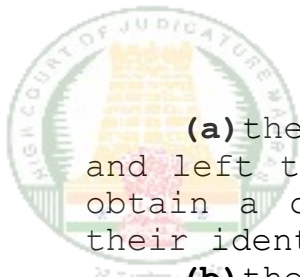
4.The case in Crime No.178 of 2021 is that the defacto complainant gave a complaint against the petitioner on 30.03.2021 and on the undertaking given by the petitioner that he would not do mistake anymore, the complaint was closed on the same day itself. On the same day, at about 01.35 p.m., when the defacto complainant was in Mudukulathur Court, the petitioner came in his two wheeler and intimidated the defacto complainant. Hence, another complaint has been given by the defacto complainant, which has been registered in Crime No.178 of 2021 under Sections 294(b) and 506(ii) of IPC.

5.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case. He would further submit that the two incidents said to have taken place on the same day at different time and both the cases have been registered at the instigation of the defacto complainant in Crime No.178 of 2021, the complaints were given with a view to spoil the carrier of the petitioner. Therefore, the petitioner filed the anticipatory bail petitions.

6.The learned Government Advocate (criminal side), on instructions, submitted that the investigation is pending.

7.Considering the facts and circumstances of the case, the fact that the incidents had happened in both the cases are sequential events and the complainant in one case is an advocate and in another case, is a cook in a hostel, in which the petitioner is a Teacher and the fact that since the petitioner is a Government servant, there is no possibility for him to escape from the prosecution of the trial, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Taking note of the fact that the petitioner set fire on the defacto complainant in Crime No.153 of 2021 two wheeler bearing Registration No.TN-65 H 3357, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.153 of 2021, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District. On such deposit, 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, Paramakudi, Ramanathapuram District, and on his executing 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 learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioner shall report before the concerned 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]**; and

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/04/2021

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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, PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
MUDUKALATHUR POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC'S to M/S.SENTHILMURUGAN.C. Advocate SR.Nos.3491 & 3492
ORDER

IN

CRL OP (MD) Nos.5558 & 5468 of 2021

Date : 27/04/2021