



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

Thursday, the Sixth day of May Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP (MD) . No.5898 of 2021

K.Vellayan

... Petitioner/1st Accused

Vs

The State Rep.by,
The Inspector of Police,
Saminathapuram Police Station,
Dindigul District.
Crime No.64/2021.

... Respondent/Complainant

For Petitioner : Mr.Mathiyalagan.R.,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

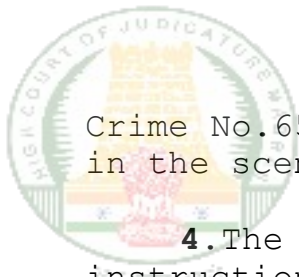
For Anticipatory Bail in Crime No.64 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of I.P.C., in Crime No. 64 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel arose between the petitioner and the defacto complainant, in which, the petitioner said to have abused the defacto complainant by using filthy language and also threatened him with dire consequences. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that a counter case has been registered against the de-facto complainant in



Crime No.65 of 2021. He would also submit that no one sustain injury in the scene of occurrence.

4.The learned Government Advocate (criminal side), on instructions, submitted that the no one sustain injuries in the scene of occurrence and that no previous case is pending against him.

5.Considering the fact that no one sustain injuries in the scene of occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Palani and on his executing 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 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 respondent police on every Monday 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

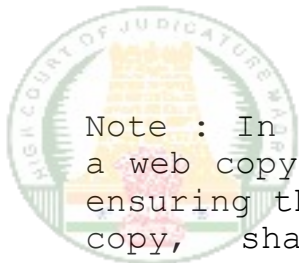
(f)if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/05/2021

/ TRUE COPY /

/ /2021



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, PALANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAMINATHAPURAM POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5898 of 2021
Date :06/05/2021

IAS/CP
CSL/MNR/SAR-I/19.05.2021 : 3P/5C