



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

Wednesday, the Twenty Eighth day of April Two Thousand and Twenty
One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.6052 of 2021

Mallaiyaraji ... Petitioner/Accused No.1

Vs

The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District
(Crime No.2 of 2021). ... Respondent/Complainant

For Petitioner : Mr.Murali M,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Government Advocate (Crl.Side)

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

PRAYER:-

for Anticipatory Bail in Crime No.2 of 2021 on the file of the
respondent police

ORDER: The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the
alleged offences punishable under sections 147,148, 448, 427 and 506
(ii) of IPC in Crime No.2 of 2021 on the file of the respondent
police, the petitioner has come forward with this petition 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 on 01.01.2021,
at about 10.15 p.m, when the defacto complainant was sitting at
Office, the accused said to have damaged table and chair and
criminally intimidated the defacto complainant. Hence, the
complaint.



4.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 and hence, he seeks anticipatory bail. He would further submit that co-accused have been granted anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that Accused Nos.3 and 5 were arrested and released on bail and accused Nos.2, 4 and 6 have been granted anticipatory bail and that the investigation is pending.

6.Considering the facts and circumstances of the case and the fact that co-accused have been granted anticipatory bail, 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, Thiruchendur, 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 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;

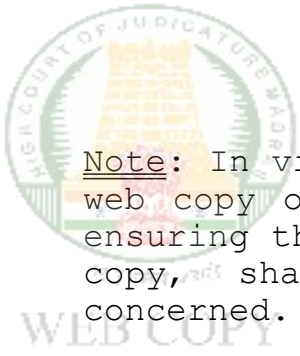
(d)the petitioner shall not abscond either during investigation or trial;

(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/-
28/04/2021

/ TRUE COPY /



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, THIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MURALI M Advocate SR.No.3540

ORDER
IN
CRL OP (MD) No.6052 of 2021
Date :28/04/2021

SM
CSL/05.05.2021 : 3P/6C