



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

Date : 30/04/2021

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.6243 of 2021

WEB COPY

Varadharajan

... Petitioner/Sole Accused

Vs

State rep by

The sub Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
Crime No.107 of 2021

... Respondent/Complainant

For Petitioner : Mr.Jothi Basu.M.,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in crime no.107 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 294 (b), 352 and 506 (i) of IPC in Crime No.107 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 13.04.2021, at about 08.45 a.m., when the defacto complainant was coming near Saravanapuram Vilakku by his two wheeler bearing Registration No.TN-79-D-7422, a bus bearing Registration No.TN 67 N 0784 came in a rash and negligent manner and was about to dash against the defacto complainant. When the defacto complainant questioned the rash and negligent driving of the petitioner, the petitioner said to have scolded him in filthy language and also spoke about his disability. 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 the defacto complainant is exaggerating the events.

5.The learned Government Advocate (criminal side), on instructions, submitted that the investigation in this case is pending.

6.Considering the facts and circumstances of the case and the fact that since the petitioner is a Government Bus Driver, there is no possibility for him to escape from the prosecution and the trial, 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, Sivagiri, 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;

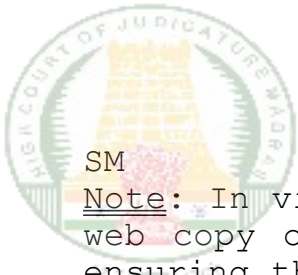
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
30.04.2021

/ TRUE COPY /

/ /2021



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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, SIVAGIRI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-3618[I] dated
03/05/2021)

ORDER

IN

CRL OP(MD) No.6243 of 2021

Date : 30/04/2021

VB VR SAR I(06/05/2021) 3P / 6c