



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.6524 of 2021

M.Thilagabhama

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No.153/2021.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C.,
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. 153/2021 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, 109, 294 (b), 324 and 506(ii) I.P.C in Crime No.153 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.The case of the prosecution is that on 23.03.2021 at about 11.00 a.m when the defacto complainant and his wife standing and speaking at Mandhai Karuppasamy Temple, the petitioner along with other accused came by five Cars for canvassing and the first accused canvassed for the petitioner, at that time, the first accused abused the MLA candidate of DMK party on the petitioner's instigation.



Therefore, the wife of the defacto complainant opposed the first accused and asked him to canvas only based on the achievements of ruling party and asked them to don't abused her party candidate. Hence, the petitioner and other accused persons attacked the defacto complainant and his wife with stick and also criminally intimidated them. Hence, the complaint.

4.The learned counsel for the petitioner would submit that a counter case has been registered against the de-facto complainant in crime No.152 of 2021 and it is pending. He would also submit that only to escape from the clutches of law, the defacto complainant preferred a false case against the petitioner.

5.The learned Government Advocate(Crl.Side) would submit that the injuries are simple in nature and counter case has been registered in Cr.No.152 of 2021. He would further submit that the injured has been discharged from the hospital.

6.Considering the facts and circumstances of the case and considering the fact that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and the fact that counter case has been registered against the defacto complainant in Crime No.152 of 2021 and also the fact that the injuries are simple in nature, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aathur, Dindigul District and on her 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
06/05/2021

/ TRUE COPY /

/ /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, AATHUR, DINDIGUL DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION, DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SUSI KUMAR.C. Advocate SR.No.3673

ORDER
IN
CRL OP(MD) No.6524 of 2021
Date :06/05/2021

CSL/VR/SAR-I/18.05.2021 : 3P/6C