



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6816 of 2021

1. M.Kumaresan
2. Beermohamed

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Sub Inspector of Police,
Batlagundu Police Station,
Dindigul District,
Crime No.225 of 2021.

... Respondent/Defacto Complainant

For Petitioners : Mr.Haja Mohideen.A,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.225 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.225 of 2021 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. There were some election disputes between the petitioners and the defacto complainant. On 06.04.2021, the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences and also attacked him. Hence, this case has been registered.



4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, he seeks anticipatory bail.

5. The learned Additional Public Prosecutor, on instructions, submitted that due to election dispute the occurrence happened. He further submitted that the second petitioner is having five previous cases.

6. Since the second petitioner is having five previous cases, this Court is not inclined to grant anticipatory bail to the second petitioner. Hence, this petition is dismissed in respect of the second petitioner.

7. Insofar as the first petitioner is concerned, considering the facts and circumstances of the case and considering the fact that there was election dispute between the parties, this Court is inclined to grant anticipatory bail to the first petitioner on certain conditions.

8. Accordingly, this Criminal Original Petition is partly allowed and the first petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Nilakottai, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

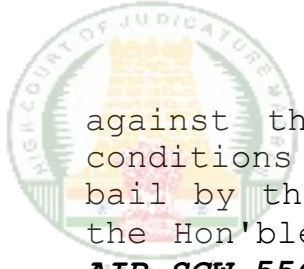
(b) the first petitioner shall appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(c) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

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

<https://hcservices.ecourts.gov.in/hcservices/>

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action



against the first petitioner in accordance with law as if the conditions have been imposed and the first 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/05/2021

/ 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, NILAKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6816 of 2021
Date :19/05/2021

LS/MRN
TE/PN/SAR-III : 25/05/2021 : 3P/5C