



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

Date : 26/05/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.7101 of 2021

WEB COPY

Senthil Vel

..Petitioner/Sole Accused

Vs

The State Rep by
The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai District.
(Crime No.243/2021)

.. Respondent/Complainant

For Petitioner : M/s.A.Prem Anand
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.243 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

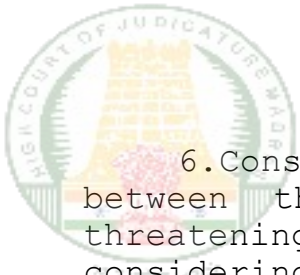
The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under sections 294(b)
and 506(i) IPC and under Section 67 of Information Technology Act,
on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Mubarak has
lodged a complaint before the respondent police alleging that the
defacto complainant and the petitioner belong to the same political
party and due to their inter party dispute, the petitioner had shout
at him with filthy language and threatened him with dire
consequences through mobile. Hence, this complaint.

3.Heard both sides.

4.The learned counsel appearing for the petitioner
submitted that the petitioner is falsely implicated in this case and
originally the defacto complainant attacked the petitioner.
Therefore, he prays to grant Anticipatory Bail to the petitioner.

5.The learned Additional Public Prosecutor submits that he
sent messages through WhatsApp about the political parties and
uploaded some messages in Facebook. Totally three previous cases are
pending against the petitioner.



6. Considering the fact that there existed intra party dispute between the parties, that no one was injured and that the threatening message was sent through WhatsApp and Facebook and also considering the impact of COVID-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of public at large. Hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.I, Pudukottai, Pudukottai District, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate 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 petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

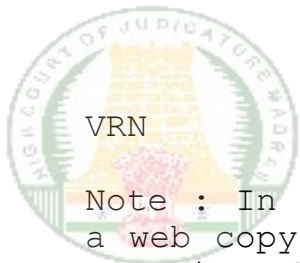
Sd/-

26/05/2021

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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 NO.I,
PUDUKOTTAI,
PUDHUKOTTAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDHUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PUDUKOTTAI TOWN POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7101 of 2021
Date : 26/05/2021

VB VR SAR IV(31/05/2021) 3P / 5c