



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.7115 of 2021

P.Rajendran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District
(Crime No.101 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Elumalai.S.,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

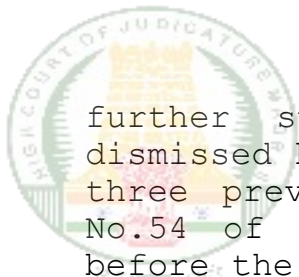
For Anticipatory Bail in Crime no. 101 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.101 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.05.2021, at about 08.30 p.m, when the defacto complainant was present in the scene of occurrence, the petitioner abused the defacto complainant in filthy language and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a senior Citizen and the petitioner's son is a Panchayat President. Only due to the election motive, the defacto complainant foisted a false complaint against the petitioner. He



further submitted the earlier anticipatory bail petition was dismissed by this Court on the ground that the petitioner is having three previous cases. After completing investigation in Crime No.54 of 2019, charge sheet was filed in S.T.C.No.2831 of 2019 before the learned Judicial Magistrate No.I, Kovilpatti and the said case was settled before the Lok-Adalat. In respect of Crime No.23 of 2020 is concerned, after investigation, charge sheet was filed in C.C.No.179 of 2020 and it was ended in acquittal. In respect of Crime No.586 of 2020 is concerned, after completing investigation, charge sheet was filed and the trial is going on. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (criminal side) would submit that due to the election motive, there was a wordy quarrel arose between the parties and the investigation is going on. Therefore, he opposes to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the said Magistrate and on further condition that:

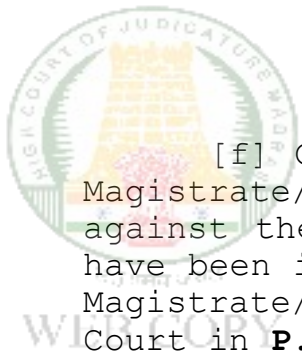
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[c] the petitioner shall report before the respondent police as and when required for interrogation;

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e]the petitioner shall not abscond either during investigation or trial;



[f] 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]**;

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

sd/-
17/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7115 of 2021
Date :17/06/2021

KM:RSK:SAR3(22.06.2021) 3P 6C

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