



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

Date : 25/06/2021

PRESENT:

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8327 of 2021
(Through Video Conference)

Arun

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.548 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 548 of 2021 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands
of the respondent police for the alleged offences punishable under
Sections 294(b) and 506(ii) of IPC, in Crime No.548 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that on 19.06.2021 at about
4:00 p.m. when the de-facto complainant was coming near the Periyar
Statue, the accused picked up a fight with him and criminally
intimidated him wielding an Aruval, claiming that he is a big rowdy.
Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is innocent and he has been falsely implicated in this
case.



4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is not yet completed.

5. In the case before hand, the allegation against the petitioner is that wielding an Aruval is said to have criminally intimidated and scolded the de facto complainant. Considering the facts of the case, and the fact that there is no injury caused to the de facto complainant, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 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;

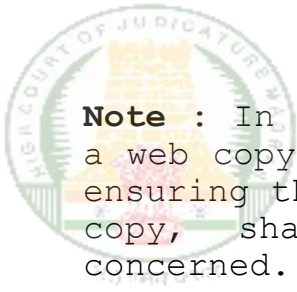
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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

sd/-
25/06/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8327 of 2021

Date :25/06/2021

STS

TK/JC/SAR.2/30.06.2021/3P/5C