



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on	Pronounced on
20.07.2021	27.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9551 of 2021

R.Suresh Kumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub Inspector of Police,
K.Puthur Police Station, K.Puthur,
Madurai District-625 001.
(Crime No.276 of 2021)

... Respondent

For Petitioner : Mr.R.Suresh Kumar.
(Party in person)

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.276 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under sections 294(b), 323, 427, 506(i) I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.276 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant engaged the accused, who is an advocate, in a suit pending before the District Munsif Court No.II, Sivagangai. The case was posted for hearing on 09.04.2021. On 03.04.2021, they met the accused in his chamber No.92 in High Court. He wanted them to pay Rs.25,000/- as fee and sale agreement in respect of the disputed property. Since the defacto complainant had no money with him, he gave ATM card of Angayarkanni to him. On 05.04.2021, the accused withdrew Rs.30,000/- using the ATM card. On 09.04.2021, there was a compromise between the defacto complainant and the opposite party



and therefore, they decided to withdraw the case. Therefore, the defacto complainant requested the accused to return the original documents given to him and the ATM card. He asked them to come to High Court on 15.04.2021. The defacto complainant visited his chamber at 01.30p.m., on 15.04.2021. After finishing his lunch, the accused without meeting them, proceeded to Court. Then they asked him to return the documents. The accused told them that an advocate is not a labourer for appearance as per their wish. He pushed the defacto complainant down. He had also pulled the saree of Angayarkanni and broke her spectacles. He took a knife from almirah and tried to stab with the knife. He used filthy language and had broken cell phone and made criminal intimidation and therefore, this case came to be registered.

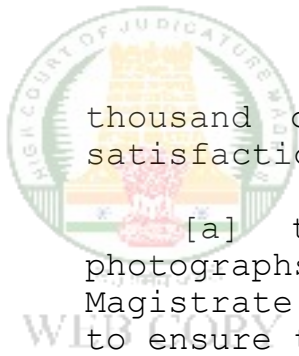
3. Petitioner appeared through video conferencing and submitted that the petitioner is innocent and he has been falsely implicated in this case. The truth is that the petitioner was the one, who was attacked by the defacto complainant and others. In this regard, he had sent representation to the Registrar (Administration), High Court and complaints to the police authorities. A case was registered on the basis of his complaint on 20.04.2021 in Cr.No.286 of 2021. Therefore, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the State opposes this petition on the ground that the investigation in this case is pending.

5. Heard the petitioner and the learned Government Advocate (Crl.Side) appearing for the State and perused the materials placed on record.

6. It is seen from the allegations made and materials produced that the incident had happened because of the alleged non-return of original documents and ATM card handed over by the defacto complainant to the petitioner/accused. As a result of this incident, this case and counter case had been registered. The allegations and counter allegations made in these complaints have to be decided by examination of witnesses in the course of trial. It is seen that the petitioner has initiated proceedings against the daughters of the defacto complainant under Section 14(2) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2017. In the facts and circumstances of the case, this Court is of the considered view that the custodial interrogation of the petitioner is not necessary. Therefore, the petitioner is ordered to be released on anticipatory bail with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Additional Mahila Court (Judicial Magistrate Rank), Madurai District, within a period of fifteen days from the date of receipt of a copy of this order, by 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 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/07/2021

/ 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 ADDITIONAL MAHILA COURT (JUDICIAL MAGISTRATE RANK),
MADURAI DISTRICT.

2 THE SUB INSPECTOR OF POLICE,
K.PUTHUR POLICE STATION, K.PUTHUR,
MADURAI DISTRICT-625 001.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.R.SURESHKUMAR, Advocate (SR-4841[I] dated 27/07/2021)

ORDER

IN

CRL OP(MD) No.9551 of 2021

Date :27/07/2021

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MK/VR/SAR.I/30.07.2021/4P/6C