



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

Date : 07/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8894 of 2021

Panneerselvam

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.89/2020.

... Respondent/Complainant

For Petitioner : Mr.I.Sam Jegan,
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. 89 of 2020 on the file of the respondent police.

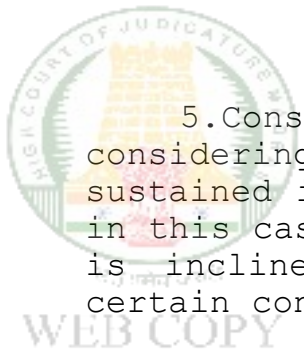
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 341 and 506(ii) of IPC, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the petitioners and along with others trespassed into the land and abused the de-facto complainant by using filthy languages. Hence, the complaint.

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

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that a case in counter has been registered in Crime No.90 of 2020. He would further submit that no one sustained injury in this case. He would also submit that co-accused in this case were granted anticipatory bail by this Court on 24.02.2021 in Crl.O.P(MD) No.2895 of 2021.



5.Considering the facts and circumstances of the case and also considering the fact that there is a counter case and no one sustained injury in this case and also the fact that the co-accused in this case were granted anticipatory bail by this Court this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal, Dindigul 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 to 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 10.30a.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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/07/2021

/ 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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE,
KODAIKANAL, DINDIGUL DISTRICT.
 2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8894 of 2021
Date : 07/07/2021

AAV
AE/SKN/SAR-II/09.07.2021/3P/5C