



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03.08.2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9894 of 2021

and

CRL MP(MD)No.5152 of 2021

M.Radhakrishnan

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
In Crime No.2 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

For Intervenor : Mr.S.Vishnuvarthanan, Advocate.

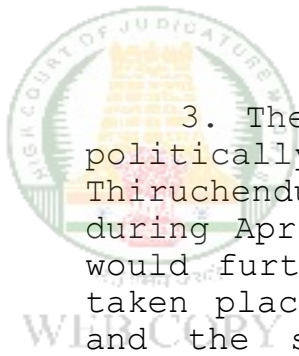
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime no.2 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 147, 148, 294(b), 448, 427, 506(2) and 109 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.2 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Councilor of a particular Political Party and her husband is a State Student Wing Deputy Organizer of the same Political Party. The defacto complainant's husband had spoken about this petitioner in a public meeting held on 26.12.2020 at Arumuganeri and aggrieved over certain statements made by the defacto complainant's husband, the followers of the petitioner are said to have trespassed into the defacto complainant's house, damaged the properties and Innova Car parked at her house. They also pelted eggs at the house and criminally intimidated the defacto complainant. According to the defacto complainant, the damage caused is worth about Rs.2,50,000/-.



3. The learned counsel for the petitioner submits that it is a politically motivated complaint. This petitioner contested in Thiruchendur constituency in the assembly election, which was held during April 2021 and he has got 63,011 votes in the election. He would further submit that for the alleged occurrence said to have taken place on 27.12.2020, complaint was lodged only on 01.01.2021 and the said complaint reached the Court only on 05.07.2021. According to the learned counsel for the petitioner, in order to defame and harass the petitioner, this case has been foisted against him.

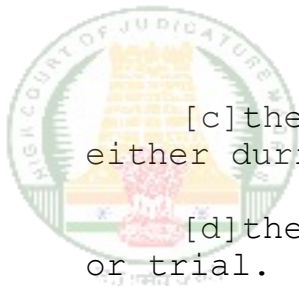
4. The learned Government Advocate (Criminal Side), on instructions, would submit that the followers of the petitioner have damaged the house of the defacto complainant. Further, this petitioner has 4 previous cases in Arumuganeri Police Station and Thisayanvilai Police Station.

5. This Court had elaborately considered the rival submissions. Admittedly, this petitioner belongs to a Political Party. He contested in Thiruchendur constituency in the assembly election held during April 2021 and got 63,011 votes. The alleged occurrence in the complaint is said to have taken place on 27.12.2020, the complaint has been lodged only on 01.01.2021 and the copy of the First Information Report reached the Court only on 05.07.2021. The reason for delay is a matter for investigation. Even according to the defacto complainant, this petitioner was not found in the place of occurrence and only at the instigation of this petitioner, his followers damaged the house of the defacto complainant. Considering the fact that for the alleged occurrence that took place on 27.12.2020, complainant has been lodged belatedly and the First Information Report also reached the Court belatedly, this Court is inclined to grant Anticipatory Bail to the petitioner.

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 Judicial Magistrate, Srivaikundam 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 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 respondent police as and when required, 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.

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[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.

Consequently, the connected Miscellaneous Petition is closed.

sd/-

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

ORDER

IN

CRL OP(MD) No.9894 of 2021

Date :03/08/2021

MBI

MK/PN/SAR-IV/06.08.2021/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>