



WEB COPY

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

Date : 30/07/2021

PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

CRL OP (MD)No.10253 of 2021

S.Thathuraj

... Petitioner/Accused

**Vs**

The State rep.by  
The Inspector of Police,  
Cumbum South Police Station,  
Theni District.  
Crime No.827/2020.

... Respondent/Complainant

For Petitioner : Mr.M.A.M.RAJA, Advocate.

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

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

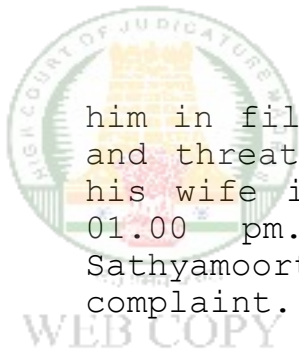
PRAYER :-

For Anticipatory bail in Crime No.827 of 2020 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(b), 506(2) IPC in Crime No.827 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the President of Okkaligar Mahajana Sangam. There was dispute between them with regard to offering worship. The petitioner acted against the rules of the community and used to send several petitions. In this regard, there is misunderstanding between the defacto complainant and the accused. On 19.09.2020, at about 08.45 pm., the defacto complainant was talking with Manibalan in front of his house. The accused came there in two wheeler and started scolded



him in filthy language and demanded to resign his job and run away and threatened that he will kill him and his family members. When his wife intervened, she was also abused. On 20.09.2020, at about 01.00 pm., when the defacto complainant was talking with Sathyamoorthy, accused again tried to attack him. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case for the reason that he was getting information under Right to Information Act and taking action for the betterment of the community. Therefore, this case has been given by exaggerating the events.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He further submitted that the petitioner has one previous case in Cr.No.806 of 2020 under Sections 294(b), 506(ii) IPC.

5.It is seen from the allegation made in FIR that there were dispute between the defacto complainant and the petitioner in connection with worship and other issues. The allegation against the petitioner is that he made criminal intimidation and scolded in filthy language. Taking note of all these factors into consideration, this Court is of the view that custodial interrogation of the petitioner is not necessary. Therefore, 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 learned Judicial Magistrate, Uthamapalayam, 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 respondent police daily at 10.30 am., 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/-  
30/07/2021

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/ /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.THE JUDICIAL MAGISTRATE,  
UTHAMAPALAYAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
CUMBUM SOUTH POLICE STATION,  
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI DISTRICT.

ORDER IN  
CRL OP(MD) No.10253 of 2021  
Date :30/07/2021