



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11297 of 2021

S.Poothapandi

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
V.K. Puram Police Station,
Tirunelveli District
(Crime No. 451 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Ramachandran S.R.A.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

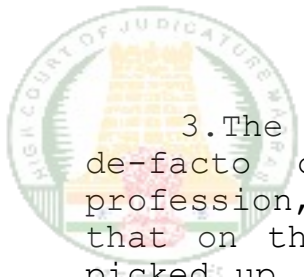
PRAYER :-

For Anticipatory Bail in Crime No.451 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 342, 323 , 307 and 506(ii) of IPC in Crime No.451 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is an Advocate. There is previous enmity between the de-facto complainant and One Sankar @ Ulaganathan/A1. On 25.06.2021, when the de-facto complainant was standing in front of his house, the petitioner questioned about the dispute between A1 and the de-facto complainant. At that time, the accused tried to attack him with aruval, but the de-facto complainant evaded the attack. The petitioner came behind him and caught hold of his hands and the other accused persons attacked him with their hands and stick. As a result, he suffered injuries and all the accused persons threatened him with dire consequence. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the de-facto complainant is a practising Advocate and using his profession, he illegally transported sand. He would further submit that on the date of occurrence, the de-facto complainant wantonly picked up a quarrel with A1 and the petitioner for the reason that the petitioner informed the illegal activity of the de-facto complainant to the police. The de-facto complainant has also attacked A1 with his hand and the real aggressor in this case is the de-facto complainant. But the de-facto complainant using his money and muscle power foisted a false case as against the petitioner and others. Moreover, the Local Bar Association has passed a Resolution, dated 28.06.2021 that no Advocate shall appear on behalf of the petitioner. Therefore, the petitioner is unable to make a counter complaint and other process as against the de-facto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent strongly opposed this petition on the ground that investigation in this case is yet to be completed.

5.It appears that the earlier application filed by the petitioner along with other accused in Crl.O.P.(MD)No.9187 of 2021 was dismissed by this Court on 12.07.2021 on the ground that there is yet another case pending against him. The learned counsel for the petitioner submits that this case was also foisted against him, as he informed the illegal activity of the de-facto complainant to the police.

6.Considering the facts and circumstances of the case, the nature of offence and the antecedents of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.At this juncture, learned counsel for the petitioner intervened and submitted that the satisfaction Court has been wrongly mentioned in the petition as, Judicial Magistrate, Ambasamudram, but the satisfaction Court is Judicial Magistrate No.V, Tirunelveli. Therefore, he prayed for appropriate orders.

8.Accordingly, this Criminal Original Petition is allowed and the petitioner is 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 No.V, Tirunelveli, 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 conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

26/08/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 NO.V,
TIRUNELVELI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
V.K. PURAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11297 of 2021

Date : 26/08/2021

VB/JC/SAR.II/16.09.2021/3P/5C

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