



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/08/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11824 of 2021

S.Pandikumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Bodi Town Police Station, Theni District
(Crime No.1206 of 2021) ... Respondent/Complainant

For Petitioner : MR.P.SARAVANAN, Advocate.
For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.1206 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 294(b), 189, 353, 342 and 506(1) of IPC in Crime No.1206 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Head Master of ZKM Higher Secondary School, Bodinayakkanur, Theni District. He lodged a complaint stating that the petitioner entered into the School on 26.07.2021 and insisted the defacto complainant to admit a particular student in the School. When the defacto complainant asked for the Transfer Certificate of the student, the petitioner abused the defacto complainant and threatened him. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an old student of the said School and at present, he is working as a Guest Lecturer in Delhi University. As an alumnus of the school, on knowing that the defacto complainant collected exorbitant fees, the petitioner has lodged a complaint before the Chief Educational Officer, Theni District and enquiry was also contemplated as against the defacto complainant. Since the petitioner has lodged a complaint as against the defacto complainant, the complaint has been foisted against the petitioner.



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

5. Considering the nature of offence, allegation against this petitioner and the submissions of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed.

6. 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 Judicial Magistrate, Bodinayakkanur, Theni 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 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 as and when required, 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/-
24/08/2021

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

+1 CC to MR.P.SARAVANAN, Advocate (SR-5736[I] dated 26/08/2021)

ORDER
IN
CRL OP(MD) No.11824 of 2021
Date :24/08/2021

MBI
MK/PN/SAR.I/03.09.2021/3P/6C