



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12490 of 2021

Saravana Moorthy(M/A-54),
S/o. Aramvalarthanatha Pillai,
6/2104, Karuppasamy Koil North Street,
Athaikondan, Kovilpatti,
Enam Maniyatchi, Lakshmipuram,
Thoothukudi District..

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi.
Cr.No. 738 of 2021..

... Respondent/Complainant

For Petitioner : Radhakrishnan G,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.738 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.738 of 2021, seeks anticipatory bail.

2.The allegation against the petitioner is that he abused the de-facto complainant in filthy language and also threatened him with dire consequences.

3.The learned counsel for the petitioner submits that the de-facto complainant is running a rice mill and he committed electricity theft for running his rice mill. Therefore, the



petitioner lodged a complaint before the Electricity Board against the de-facto complainant and a case in Crime No.739 of 2021 was registered before the respondent police for the offences punishable under Sections 147, 294(b), 323, 427 and 506(ii) of IPC. He further submits that the petitioner is an innocent and a false case has been foisted against the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent that due to previous enmity, a case and counter case came to be registered and the investigation is yet to be completed.

5.Considering the nature of allegations levelled against the petitioner and also the fact that this is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly this petition is allowed and 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 No.II, Kovilpatti, 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 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 for interrogation.

[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]**.

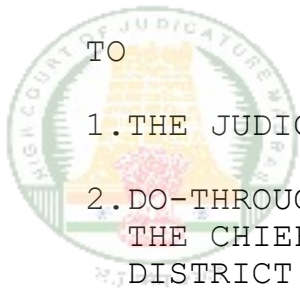
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/09/2021

/ 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.



TO

1. THE JUDICIAL MAGISTRATE NO II, KOVILPATTI.

2. DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN
DISTRICT.

3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION, THOOTHUKUDI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.12490 of 2021

Date : 02/09/2021

MGJ(08.09.2021)/MGJ/SKN/SAR2 3P 5C