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

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.13765 of 2021

M.Easwaran ... Petitioner/Petitioner/ Sole Accused
Vs

The Inspector of Police,
Chinnamanur Police Station,
Theni District. ... Respondent/ Respondent/Complainant

For Petitioner : M/s. Vishnuvarthanan.P.M,
Advocate.

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

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

PRAYER :-

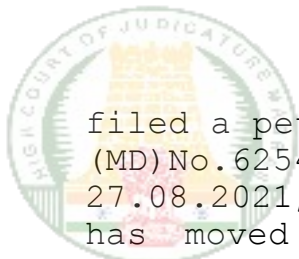
For Anticipatory Bail in Crime No. 2055 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) IPC, in Crime No.2055 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity in respect of illegal relationship between the petitioner and the defacto complainant's sister, the petitioner abused the defacto complainant in filthy language and also attacked him with hands and caused injuries. Hence, the complaint.

3.Learned Counsel for the petitioner submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 16.10.2020, made in Crl.OP(MD)No.11588 of 2020, with certain conditions. But, the petitioner could not produce sureties in time and therefore, he



filed a petition for extension of time before this Court in Crl.M.P. (MD)No.6254 of 2021, which was dismissed by this Court on 27.08.2021, with liberty to file a fresh petition. Therefore, he has moved this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail.

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4.The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in Crl.OP(MD)No.11588 of 2020, dated 16.10.2020 and further submitted that he has not complied with the conditions stipulated therein.

5.Considering the nature of allegation levelled against the petitioner, the fact that he has already been granted anticipatory bail by this Court and his failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original 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, 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 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 daily at 10.30 a.m. without fail for a period of two weeks and thereafter, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioner is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/09/2021

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

OGY

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

+1. CC to M/S. VISHNUVARTHANAN.P.M Advocate SR.No.6330

ORDER
IN
CRL OP (MD) No.13765 of 2021
Date :17/09/2021

RD/SKN/SAR-II (23.09.2021) 3P 6C