



WEB COPY

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

Date : 27.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14084 of 2021

Athi Manikandan

... Petitioner/Accused No.4

Vs

State rep. by
The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
(Crime No.261/2016)

... Respondent/Complainant

For Petitioner : M/s.Manianandh, Advocate

For Respondent : M/s.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.261 of 2016 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner is facing a charge in PRC.No.27 of 2019 on the file of the learned Judicial Magistrate, Alangulam, arising out of the case in Crime No.261 of 2016, for the offence punishable under Sections 294(b), 447, 506(i) IPC, r/w Section 3 of TNPPDL Act and Section 4 of TNPHW Act. Hence, he has filed this application for anticipatory bail apprehending arrest.

2.The prosecution case is that due to a dispute between the families of the petitioner and his neighbor, the petitioner and his family attacked the defacto complainant and his wife and also damaged the household articles. Hence the complaint.



3.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence. It is the defacto complainant, who came to the house of the petitioner and humiliated the petitioner and his family members. When the petitioner questioned the same, the defacto complainant abused the petitioner in filthy language and the defacto complainant's brother attacked the petitioner's wife, due to which, she died. In this regard, a case was registered for the offence under Section 302 IPC. Aggrieved over the same, a false complaint has been lodged as against the petitioner.

4.Learned Counsel for the petitioner further submitted that this Court has already considered the case of the petitioner in Crl.OP(MD)No.10972 of 2016 and by order dated 13.07.2016, granted anticipatory bail to the petitioner. But the petitioner, who is an agricultural worker, owing to his profession, has went to Kerala, without executing the sureties, without knowing the consequences. He further submitted that the trial has commenced and the petitioner is regularly appearing before the trial Court. Therefore, the learned Counsel prayed for grant of anticipatory bail to the petitioner.

5.Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was already granted anticipatory bail by this Court as early as on 13.07.2016. But he has not executed the sureties and therefore, he is before this Court again.

6.Considering the nature of allegation levelled against the petitioner, the fact that it is a case in counter, 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.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 twice at 10.30 am., and at 05.30 pm., until further orders.



[c]the petitioner shall not tamper with the evidence or witness either during the investigation or trial.

[d]the petitioner shall not abscond either during the 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 has been 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/-
27/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

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,
ALANGULAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.



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

WEB COPY

+1. CC to M/S. MANIANANDH Advocate SR.No.6663

ORDER
IN
CRL OP(MD) No.14084 of 2021
Date :27/09/2021

SP/JC/SAR II/30/09/2021/4P/6C