



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

Date : 08.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12905 of 2021

1.Ramesh @ two GB Ramesh
2.Makesh

... Petitioners/Accused No.1&2

Vs

The State of Tamil Nadu Rep. by
The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi.

... Respondent/Complainant

For Petitioner : Mr.G.Radhakrishnan
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.268 of 2021 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 341, 342, 294(b), 324 and 506(ii) IPC, in Crime No.268 of
2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive
between the petitioners and the de-facto complainant regarding
temple festival, the petitioners abused the de-facto complainant in
filthy language and also threatened him with dire consequences.
Hence, the complaint.

3.The learned counsel for the petitioners submits that the
petitioners are innocents, they have not committed any offence as
alleged by the prosecution, but they have been falsely implicated in
this case.

4.The learned Government Advocate (Crl. Side) for the
respondent submits that apart from this case, the first petitioner
has involved in 12 previous cases and no other case is pending
against the second petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the antecedents of the first petitioner, this



Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed as against the first petitioner.

6. Considering the facts and circumstances of the case, the nature of allegation made against the second petitioner and also the fact that the second petitioner has not involved in any other offences, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is partly allowed and the second 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 Court No.II, Thoothukudi on condition that the second 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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the second petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the second petitioner shall not abscond either during investigation or trial;

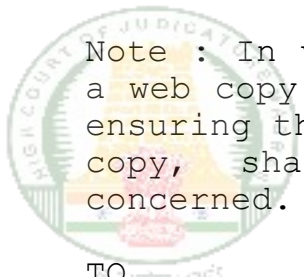
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail by the learned Magistrate/Trial Court himself 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/09/2021

/ 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 COURT NO.II,
THOOTHUKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.12905 of 2021
Date : 08/09/2021

SB/SKN/SAR-III/23.09.2021/3P/5C