



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14448 of 2021

M.Esakkiraja

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
(Crime No.324 of 2021)

... Respondent/Complainant

For Petitioner : M/s.G.Thalaimutharasu, 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.324 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC and Section 4 of TNPHW Act in Crime No.324 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and A1 owned Mahindra Van and they used it for pick up and dropping the workers employed in Brindha Cotton Mill and Kandhammal Cotton Mill. On the date of occurrence, A1 has engaged five workers, when the same was questioned by the de-facto complainant, the petitioner and A1 abused the de-facto complainant and his family members in filthy language, A1 attacked him with iron spanner and caused simple injury. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. side) appearing for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed. He fairly conceded that the injured person has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegation made against the petitioner and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and 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 learned Judicial Magistrate Court, Sankarankovil, 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 at 10.30 a.m. 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/-
30/09/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.IV)
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,
SANKARANKOVIL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.V.NALLUR POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.THALAIMUTHARASU.G Advocate SR.No.6869

ORDER
IN
CRL OP (MD) No.14448 of 2021
Date :30/09/2021

SP/SKN/SAR IV/27/10/2021/3P/6C