



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

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16025 of 2021

WEB COPY

Baskaran,

... Petitioner / Sole Accused

Vs

State Rep. by its
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.823 of 2021)

... Respondent / Complainant

For Petitioner : M/s. Prabu.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. 823 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 offence punishable under Sections 341, 294(b), 353 and 506(ii) IPC in Crime No.823 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.09.2021, the defacto complainant, who is working as a Postman at Lakshmipuram Post Office, went to deliver a parcel to the petitioner, he picked up quarrel with him, abused, attacked, threatened him with dire consequences and also prevented him from discharging his official duty. Hence, the complaint.

3. This is the second anticipatory bail petition. The first anticipatory bail petition filed by the petitioner was dismissed by this Court vide order dated 23.09.2021, on the ground that the petitioner is having four previous cases.

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

4. The learned counsel for the petitioner submits that the petitioner has filed an undertaking affidavit before this Court,



stating that he will not indulge in any other offence in future and he will execute a bond for a sum of Rs.1,00,000/- with two sureties from respectable person in his locality. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

6. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the petitioner has filed an undertaking affidavit before this Court that he will not indulge in any other offence in future and he will execute a bond for a sum of Rs.1,00,000/- with two sureties from respectable person in his locality, this Court is inclined to grant anticipatory bail to the petitioner, however, with stringent conditions.

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 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.1,00,000/- (Rupees one lakh only only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit before the concerned Magistrate, by ensuring that the petitioner will not indulge in any other offence in future;

[b] 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;

[c] The petitioner shall not misuse the liberty granted to him by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[e] the petitioner shall not abscond during the trial;

[f] the petitioner shall not tamper with the evidence or witness during trial;

[g] 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 were breached 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]**.



[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/10/2021

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/ TRUE COPY /

/ /2021

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 JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
- 2.DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE ,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.16025 of 2021
Date :25/10/2021

SB/VR/SAR-II/28.10.2021/3P/5C