



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16467 of 2021

Ganesan

... Petitioner/1st Accused

Vs

State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.1057 of 2020)

... Respondent/Complainant

For Petitioner : M/s.B.Brijesh Kishore
for M/s.Senrayar.P,Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1057 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 448, 294(b) and 506(ii) IPC, in Crime No.1057 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a practising Advocate. On 29.12.2020, at about 9.00 a.m., when the defacto complainant was in his house, the accused persons came there and trespassed inside the compound and knocked at the door of the defacto complainant's house and abused him in filthy language. When the defacto complainant opened the door and came out, the accused persons assaulted him with iron rod. On fear, the defacto



complainant locked the door and stayed inside. At that time, the first accused threatened the defacto complainant by showing the iron rod that he would take away his life and the second accused abused him in filthy language and threatened him with dire consequences.

3. This is the second anticipatory bail petition. The first anticipatory bail petition was dismissed by this Court vide order dated 20.07.2021, considering the fact that the petitioner has attempted to attack an Advocate and also the investigation is pending.

4. The occurrence is said to have taken place on 29.12.2020. Even today, the learned Additional Public Prosecutor made the same representation that the investigation is yet to be completed. The investigating agency neither collected any materials nor filed any final report against the petitioner for the past ten months. A perusal of the FIR would also reveal that no one has been injured in this case.

5. Considering the fact that the investigating agency has not collected any materials against the petitioner and not filed any final report, for the past ten months and also the fact that no one has been injured in this case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. 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, Valliyur, Tirunelveli District, 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:

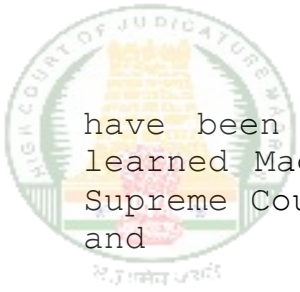
[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police 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 petitioner 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]**; and

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

Sd/-
29/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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,
Valliyur, Tirunelveli District.
 2. -Do-Through
The Chief Judicial Magistrate,
Tirunelveli District.
 3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SENRAYAR.P Advocate SR.No.7662

ORDER
IN
CRL OP (MD) No.16467 of 2021
Date : 29/10/2021