



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.16444 of 2021

Vengaiyan

... Petitioner/Petitioner/
Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.28 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram.S, Advocate.

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

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

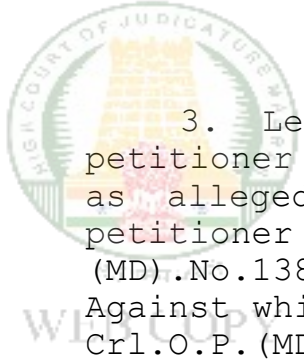
PRAYER :-

For anticipatory bail in Crime.No.28 of 2019 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 offences punishable under Sections 294(b) and 506(ii) of IPC seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the elected president of Devendrakula Velalar Uravinmurai. The defacto complainant conducted Pongal sports event and in the said sports event, the petitioner and other accused have humiliated the losers of the sports event and abused them in filthy language in the public area. Further they have given a threat to the public. Hence, the complaint.



3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has filed anticipatory bail before this Court in CrI.O.P. (MD).No.13814 of 2020 and the same was dismissed on 02.12.2020. Against which, the petitioner has moved another anticipatory bail in CrI.O.P. (MD).No.461 of 2021 and the same was allowed on 18.01.2021. However, the petitioner could not arrange the sureties due to pandemic situation and therefore, they have moved this third anticipatory bail application.

4.The learned Government Advocate (CrI.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in CrI.OP(MD)No.461 of 2021, dated 18.01.2021 and that he has not complied with the conditions stipulated therein. He further submitted that the petitioner is having five previous cases.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the petitioner has already been granted anticipatory bail by this Court and that he has failed to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, Theni District, on condition that the 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 Judge concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

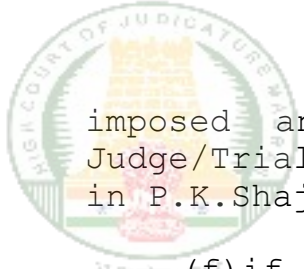
(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks without fail thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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 Judge/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been

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imposed and the petitioner released on bail by the learned Judge/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/-
27/10/2021

/ TRUE COPY /

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

ssb

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,
THENI, THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16444 of 2021
Date :27/10/2021