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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2021

PRESENT

The Hon'ble Mrs. Justice S. ANANTHI

CRL OP (MD).No.19428 of 2021

Esakkimuthu

... Petitioner/Accused No.4

Vs

The State rep by
The Inspector of Police,
V.K.Pudur Police Station,
Tenkasi District.
(Cr.No.183 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Anandan.B,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

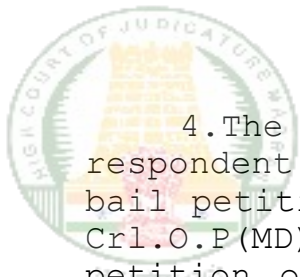
For Anticipatory Bail in Crime No.183 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 323 and 506(ii) of IPC, in Crime No.183 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to election dispute between the petitioner and the de-facto complainant, on 06.10.2021, the de-facto complainant while visiting the election booth and returning to North Kaluneerkulam in his two wheeler, at that time, the petitioner and other accused waylaid the de-facto complainant, scolded him in filthy language, attacked him and beaten him with hands. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and 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 submitted that this is the second anticipatory bail petition. Earlier this Court by an order, dated 12.10.2021 in Crl.O.P(MD)No.15879 of 2021 had dismissed the anticipatory bail petition on the ground that the petitioner is having six previous cases. But actually two cases are only pending against the petitioner and the other four cases ended in acquittal and the remaining cases are also same in nature.

5.Considering the fact that this Court granted anticipatory bail to the co-accused and also the fact that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature, 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 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, Alangulam, Tenkasi 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 the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

[c] The petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.



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

Sd/-
13/12/2021

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

vsd

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,
ALANGULAM, TENKASI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
V.K.PUDUR POLICE STATION,
TENKASI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-9194[I] dated 14/12/2021)

ORDER
IN
CRL OP(MD) No.19428 of 2021
Date : 13/12/2021

VB/CN/SAR-II/21.12.2021/3P/6C