



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19412 of 2021

Jones Manvel @ Johns Menvel

... Petitioners/Accused No.10

Vs

The State rep.by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.755 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.MURUGANANTHAM,
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.755 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, & 506(ii) IPC, in Crime No.755 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that on 14.10.2021, the petitioner along with other accused cut coconuts from coconut grove belonging to a CSI church. The defacto complainant informed the same to the police officials. The police officials restrained them, took the coconuts from the coconut grove and kept them under the safe custody of church. Thereafter, the petitioner along with other accused, abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.

4. The petitioner moved anticipatory bail application earlier, which came to be dismissed by this Court on 25.10.2021, considering the nature of allegations made as against the petitioner.



5.Now, the learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. In fact, on 14.10.2021, at about 6.30 p.m., the defacto complainant and others abused the petitioner in filthy language, attacked him with deadly weapons and also caused injuries. Therefore, it is a case and counter case. Hence, he prayed for grant of anticipatory bail to the petitioner.

6.The learned Government Advocate submits that it has been wrongly informed that the petitioner is having 3 previous cases but on verification, the petitioner is not having any previous cases.

7.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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.

[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.

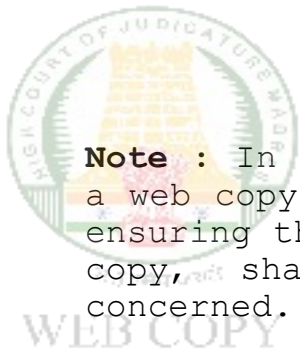
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
09/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
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,
PATTUKKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19412 of 2021

Date : 09/12/2021

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SA/VR/SAR.3/21.12.2021/3P/5C