



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.818 of 2022

Vinayagamoorthy @ Vinayagam

... Petitioner/Petitioner
Accused No.4

Vs

State rep.by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District
(Crime No.186 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Arun B, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.186 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 427 and 506(ii) IPC, in Crime No.186 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to election motive, the petitioner along with other accused have attacked the defacto complainant and caused injury to him, abused in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there was election dispute between the parties, due to which, the petitioner along with other accused have attacked the defacto complainant and caused injury to him. He would further submit that the injured was discharged from the hospital.

5.It is not in dispute that the petitioner has filed a petition in CrI.OP(MD)No.6606 of 2021, seeking anticipatory bail, and this vide order dated 13.05.2021, has granted anticipatory bail with certain conditions.

6.The learned counsel for the petitioner would submit that due to Covid-19 restrictions, he could not furnish the sureties and that therefore, the petitioner was constrained to file the above petition seeking anticipatory bail.

7.Considering the nature of the charges levelled against the petitioner and also the fact that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, other offences are bailable in nature and also taking note of the fact that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall pay a sum of Rs.1,500/- (Rupees One Thousand Five Hundred only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned District Munsif -cum Judicial Magistrate, Kadaladi, Ramanathapuram District.

9.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif-cum Judicial Magistrate, Kadaladi, Ramanathapuram 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 learned 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 am for a period of one month and thereafter, as and when required for interrogation.



(c) 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 petitioners 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;

(g) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
21/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KADALADI,
RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

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COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.ARUN B Advocate SR.No.1353

ORDER
IN
CRL OP (MD) No.818 of 2022
Date :21/02/2022

SP/JM/SAR II/25/02/2022/4P/7C