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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2125 of 2022

Muthupandian

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.
(Crime No.11 of 2022).

... Respondent/Complainant

For Petitioner : M/s.T.A.Ebenezer, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.11 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 25 (1-A) of Arms Act and Sections 294(b), 341, 427, 448, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.11 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was election motive between the parties and due to that on 26.01.2022, the defacto complainant called the first accused to his house and involved in talks. At that time, wordy quarrel arose and the accused attacked, abused and threatened with deadly weapons. 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. He would further submit that no one was injured in the incident and that the co-accused were already arrested and released on bail. Hence, prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is not having any previous case to his credit and that no one was injured in the incident.

5.Considering the fact that there existed election motive between the parties, that no one was injured in the incident, that except the offences under Sections 506(ii) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature, that the co-accused were already arrested and released on bail and that the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 Judicial Magistrate, Vallioor, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar 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 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]**; and;



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

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Sd/-
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/ /2022

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

PNM

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

ORDER
IN
CRL OP(MD) No.2125 of 2022
Date :14/02/2022

SP/VR/SAR II/23/02/2022/3P/5C