



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5174 of 2022

Dharmaraj ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Theriruvveli Police Station,
Ramanathapuram District.
(Crime No.79 of 2021). ... Respondent/Complainant

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

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.79 of 2021 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 294 (b), 353 and 506(i)IPC, in Crime No. 79 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties with regard to the removal of flex board, due to which, the petitioner criminally intimidated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that FIR in Crime No.78 of 2021 has been registered on 05.10.2021 against the petitioner for erection of flex board without prior permission and the petitioner has also surrendered before the respondent Police on the same day and he was already released on bail. Thereafter, there arose some dispute between the petitioner and the defacto



compensation, hence the present complaint has been registered against the petitioner in respect of the same incident.

4. The learned Government Advocate (criminal Side) appearing for the respondent would submit that the investigation is almost completed and that they are going to file charge sheet shortly. He would further submit that the petitioner is having three previous cases, which includes, two cases for the offence under Section 4A (1a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

5. No doubt, the petitioner's earlier application was dismissed as withdrawn on 23.11.2021.

6. Considering the facts and circumstances of the case and also considering the nature of the charges levelled against the petitioner and that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Kamuthi, Ramanathapuram, 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 30 days 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.R. 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/-
18/04/2022

/ /2022
Sub-Assistant Registrar (C.S.IV)
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 JUDICIAL MAGISTRATE,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THERIRUVELI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5174 of 2022
Date :18/04/2022