



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6294 of 2022

Sekar @ Maranasekar

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Crime No.267 of 2020.

... Respondent/Complainant

For Petitioner : M/s.N.Adithya Vijayalayan, 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.267 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 324 and 506(ii) IPC, in Cr.No.267 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to land dispute between the parties, the petitioners abused the defacto complainant in filthy language and also tried to attack him with iron rod and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner along with two other accused have filed an application in Cr.M.P.No.5208 of 2020 seeking anticipatory bail and the learned Principal Sessions Judge, Tirunelveli, vide order dated 05.10.2020



has granted anticipatory bail to the petitioner with certain conditions. He would further submit that due to Covid-19 restrictions and since the petitioner was in Mumbai, he could not furnish the sureties as directed by the learned Principal Sessions Judge, Tirunelveli.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is almost completed.

5. Considering the above facts and circumstances and also the facts that the investigation is almost completed as stated by the learned Government Advocate (Crl. side) and that the learned Principal Sessions Judge has already granted anticipatory bail to the present petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but 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, Nanguneri, 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.

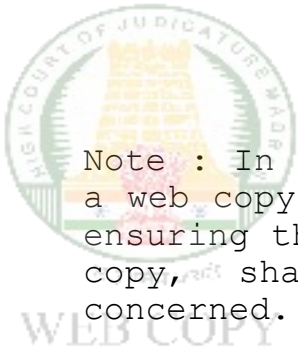
Sd/-

05/04/2022

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/ /2022

Sub-Assistant Registrar (C.S.IV)
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,
NANGUNERI.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6294 of 2022

Date :05/04/2022

SP/PN/SAR IV/18/04/2022/3P/5C