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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6869 of 2022

K.Selvakumar

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
(Crime No.153/2021)

... Respondent/Complainant

For Petitioner : Mr.J.David Ganesh, 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.153 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 507 and 506(i) IPC, in Cr.No.153 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 02.11.2021 at about 07.15 p.m, the de-facto complainant went to the petrol bunk belongs to the petitioner to fill up the petrol to his bike and asked the employee to fill up the air to the wheels of his bike. At that time, the said employee replied that the compressor is in damaged stage and requested the de-facto complainant to speak with his owner. In that regard, the de-facto complainant spoke with the petitioner and the petitioner asked the de-facto complainant to come directly for his grievance. Thereafter, on 03.11.2021 at about 02.55 p.m, the petitioner called the de-facto complainant, abused him in filthy language and caused criminal intimidation to the de-facto complainant. 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. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that no one has been injured in this case and that the petitioner is not having any previous case.

5.Considering the above facts and circumstances and also considering the facts that on one has been injured in this case, that except the offence under Section 506(i) IPC, the other offence is bailable in nature and also the fact that the petitioner is not having any previous case, 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 Court, Sathankulam, 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/-
13/04/2022

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

sj i

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

+1. CC to M/S. DAVID GANESH.J. Advocate SR.No.3500

ORDER
IN
CRL OP (MD) No.6869 of 2022
Date :13/04/2022

SP/PN/SAR IV/21/04/2022/3P/6C

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