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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/06/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.9780 of 2022**

Devaasir @ John Devaasir

... Petitioner/Accused No.4

Vs

The State rep.by  
The Inspector of Police,  
Sathankulam Police Station,  
Thoothukudi District.  
(Crime.No.170/2022).

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan, Advocate.

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.170 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 506(1) IPC, in Crime No.170 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, the petitioner along with other accused persons abused the defacto complainant in filthy language, assaulted him 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 he has not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that no one was injured in this incident. He would further submit that the petitioner is having seven previous cases, which includes five cases under Section 4(1) (a) TNP Act and other two cases are under Section 506(2) IPC.

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5. Considering the fact that there arose dispute regarding the compound wall, that no one was injured in this incident, that except the offence under Section 506(1) IPC, all other offences are bailable in nature and that the co-accused/A1 and A2 were already granted anticipatory bail by the Sessions Court, 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 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.

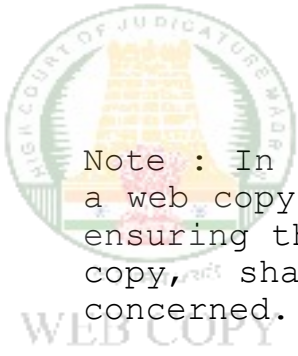
Sd/-

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/ /2022

Sub-Assistant Registrar (C.S.III)  
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,  
SATHANKULAM.
  2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
  3. THE INSPECTOR OF POLICE,  
SATHANKULAM POLICE STATION,  
THOOTHUKUDI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
- +1. CC to M/S.VISHNUVARDHAN S Advocate SR.No.5714

ORDER  
IN  
CRL OP(MD) No.9780 of 2022  
Date :15/06/2022

SP/SVR/SAR III/21/06/2022/3P/6C