



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.15652 of 2022

WEB COPY

LaLakshmanan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.628/2021).

... Respondent/Complainant

For Petitioner : M/s.A.Banumthy, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.628/2021 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 306 of IPC, in Cr.No.628 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Joint Director in the Government Hospital, Periyakulam. The petitioner questioned the irregularities in the Homeo clinic which was run by defacto complainant and her husband and demanded a bribe amount of Rs.20,000/- per month to run the clinic. Later, the defacto complainant and her husband submitted all the documents regarding the clinic and sent a legal notice to the petitioner and communicated the same to the TNCEA. In these circumstances, the Joint Commissioner threatened the deceased with dire consequences and that the defacto complainant's husband committed suicide and died. Hence the complaint.

3.The learned counsel for the petitioner submitted that he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted the petitioner herein has demanded a bribe of Rs.20,000/- per month and received bribe amount for 2 to 3 months and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case and considering the nature of the offence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and 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, Periyakulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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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/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, THENKARAI POLICE STATION, THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BANUMATHY, Advocate (SR-9763[I] dated 08/09/2022)

ORDER

IN

CRL OP(MD) No.15652 of 2022

Date :07/09/2022

PNN

RS/VRS/SAR.1 (19.09.2022) 3P-6C