



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19262 of 2021

Sivakumar ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sambattividuthi Police Station,
Pudukkottai District
(Crime No.218 of 2021). ... Respondent/Complainant

For Petitioner : M/s. Balasubramanian.P.,
Advocate.

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

For Intervenor : Mr.C.Susikumar, Advocate

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

PRAYER :-

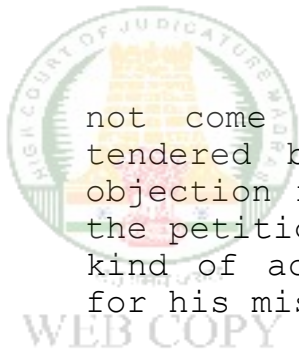
For Anticipatory Bail in Crime No.218 of 2021 on the file of the respondent Police.

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 341, 294(b) and 506(ii) IPC, in Cr.No.218 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner approached the de-facto complainant to obtain an anticipatory bail in a Gambling Act case, but the de-facto complainant did not entertain the same, due to which, the petitioner waylaid the de-facto complainant and threatened him with dire consequences. Hence, the complaint.

3.When the matter was taken up for hearing on 20.12.2021, the learned counsel for the de-facto complainant submitted that the petitioner has to make apology for his activity, but sofar he did



not come forward to tender his apology and if any apology is tendered by him, he is also ready to leave the matter and no objection for granting anticipatory bail and this Court has directed the petitioner to file an affidavit that he will not indulge in such kind of activities in future and tender his unconditional apology for his misbehaviour.

4.In pursuance of the same, the petitioner has filed an affidavit giving his unconditional apology to the de-facto complainant and also stated that he will not indulge in such kind of activities in future.

5.Moreover, the learned counsel for the de-facto complainant would submit that the petitioner has appeared before the de-facto complainant and tendered his apology and therefore, the de-facto complainant is not having any objection to grant anticipatory bail.

6.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has appeared before the de-facto complainant and tendered his apology.

7.Considering the above facts and circumstances of the case and also taking note of the undertaking affidavit filed by the petitioner in pursuant to the directions of this Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

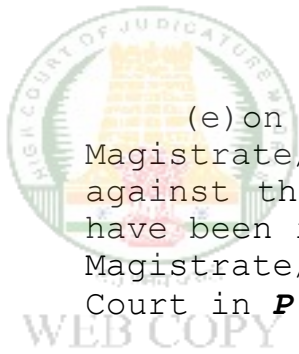
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, Pudukkottai District, on condition that the petitioner shall execute 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



(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/-
23/02/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
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,
ALANGUDI, PUDUKKOTTAI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAMBATTIVIDUTHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19262 of 2021
Date : 23/02/2022

RS/SBN/SAR.4 (07.03.2022) 3P-5C