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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18183 of 2022

K.Abthakeer

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Uthamapalayam,
Theni District.
(Crime No.356/2022).

... Respondent/Complainant

For Petitioner : M/s.Karuppasamy Pandian M, Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.356 of 2022 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), 506(2) of IPC, in Cr.No.356 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Assistant in the Sub Register Officer, Uthamapalayam. He lodged a complaint before the respondent police stating that the petitioner has fixed the flex board in his vehicle bearing Reg.No.TN-02-P-8503 with the photograph of the Sub Registrar and it contains the defamatory sentence against the Sub-Register Office', Uthamapalayam. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that now the alleged flex board was removed. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the vehicle that has been involved in the occurrence was seized. The petitioner was having 7 previous cases and all are disposed of. But, however, considering the gravity of offence, he strongly opposed to grant anticipatory bail

5.Considering the facts and circumstance of the case and also considering the fact that even though the petitioner was having previous cases, all were already disposed of and the vehicle, which was involved in the occurrence was already seized, 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, Uthamapalayam, Theni District, 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 am until further orders.

(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/-
13/10/2022

/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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,
UTHAMAPALAYAM, THENI DISTRICT.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.KARUPPASAMY PANDIAN M Advocate SR.No.11295

ORDER
IN
CRL OP(MD) No.18183 of 2022
Date :13/10/2022