



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20591 of 2021

Selvarajan

... Petitioner/Sole Accused

Vs

1.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.530 of 2021)

... Respondent/Complainant

2.Alagukandhaiah
(R2 suo motu impleaded as per
order of this Court dated
22.12.2021 in CrI.O.P.(MD)No.
20591 of 2021 BY GIJ)

...2nd Respondent

For Petitioner :Mr.V.Angusamy,Advocate.

For Respondent No.1 :Mr.R.Sivakumar,
Government Advocate(CrI.side)

For Respondent No.2 : Mr.J.Jeyakumaran, Advocate

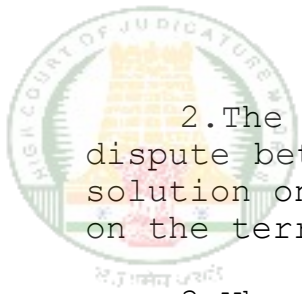
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.530 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 284, 427, 509 and 506(1) IPC, in Crime No.530 of 2021, on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that there existed land dispute between the parties, the petitioner had poured an acid like solution on the wall of the defacto complainant and also posing nude on the terrace of his house. Hence, the complaint.

3.When the matter was taken up for hearing on 22.12.2021, this Court, considering the submission made by the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side), has impleaded the defacto complainant as second respondent and notice was ordered to be issued and also granted interim protection.

4.The learned counsel for the intervenor would submit that the petitioner is having similar case and the complaint was lodged by the very same defacto complainant and the same is pending.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically stated that he felt ashamed of his conduct and sought unconditional apology and that he will not indulge in such kind of behaviors in future.

6.Considering the above facts and also taking note of the undertaking affidavit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Srivilliputhur.

8.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, 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 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 Aadhaar card or bank pass book to ensure their identity.



[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/03/2022

/ TRUE COPY /

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

CSM

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 NO.II,
SRIVILLIPUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.



COPY TO

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT ,
MADURAI.

+1 CC to M/s.J.JEYA KUMARAN, Advocate (SR-2272[I] dated 21/03/2022)

ORDER

IN

CRL OP(MD) No.20591 of 2021

Date :21/03/2022

PKP/PN/SAR-4/24.03.2022/4P/7C