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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

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

CRL OP(MD) . No.21006 of 2022

V.Vetrivel

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
E5 Mattuthavani Police Station(L and O)
Madurai City, Madurai.
(Crime No.441 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vijayaraja J, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.441 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 294(b), 506(i) IPC and Section 92(A) of RPWD Act, 2016, in Cr.No.441 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that one Kali is the owner of the Vaigai Recreation Club and one Mani is working as a Supervisor of the said recreation Club. On the date of occurrence, there was a wordy quarrel arose between the said Mani and the petitioner, after knowing the same, the said Kali called the petitioner over phone, in which, the petitioner abused the de-facto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that due to enmity, a false case was foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that there was a wordy quarrel arose between the Supervisor of the said Club and the petitioner and after knowing the same, the de-facto complainant called the petitioner over phone, in which, the petitioner abused the de-facto complainant in filthy language and threatened him with dire consequences. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of charges levelled against the petitioner, 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 No.VI, Madurai, 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 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 Inspector of Police, Thirumangalam Town Police Station, Thirumangalam, 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.

Sd/-
28/11/2022

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/12/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
E5 MATTUTHAVANI POLICE STATION (L & O),
MADURAI CITY, MADURAI.
 4. THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
THIRUMANGALAM.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.VIJAYARAJA J Advocate SR.No.13921

ORDER
IN
CRL OP(MD) No.21006 of 2022
Date :28/11/2022

SP/SSS/SAR III/08/12/2022/3P/7C