



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/12/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.21299 of 2022

1. Poosaipandian

2. Selvakumar

... Petitioners/Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
Crime No.233 of 2022.

... Respondent/Complainant

R.Paramasivan

... Intervening Petitioner/Respondent/
Defacto complainant
in CRL MP(MD) No.14977 of 2022

For Petitioners : M/s.Balamurugan P,
Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For Intervener : Mr.M.Sathiamoorthy

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

PRAYER :-

For Anticipatory Bail in Crime No.233 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 341, 294(b), 506(i) of IPC and Section 3(1)(r), 3(1)(s) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 @ Section 420 of IPC, in Crime No.233 of 2022 of IPC, in Crime No.343 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the old member of one particular political party for the past 35 years. In order to submit nomination on behalf of the said political party for the post of 12th Ward Union Councilor, Vasudevanallur, the defacto complainant approached the first petitioner, who is Union Councilor of the said political party at Vasudevanallur Union. By



accepting the proposal of the defacto complainant, he demanded a sum of Rs.3,00,000/- for the purpose of allotting nomination in favour of the defacto complainant in the said post. Hence, the de-facto complainant given the said amount. All of a sudden, the list of accepted nomination for the said political party announced and the said post was particularly allotted to the female candidates of schedule caste, but the defacto complainant's wife name was not found in the said list. It came to know to the defacto complainant that, the first petitioner already received another huge amount from another person and allotted the said nomination post for them and cheated the defacto complainant. When the defacto complainant returned back the amount, the petitioner abused the defacto complainant with filthy language and also threatened him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the entire case of the prosecution is concocted story and the petitioners have not received any amount from the defacto complainant. Only for the vengeance of election motive, the present complaint has been lodged against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners received a sum of Rs.3,00,000/- from the defacto complainant to allot nomination in favour of him to the post of Ward Union Councilor and thereafter, cheated him. He would further submit that Rs.1,00,000/- was returned back to the defacto complaint and the remaining amount is not yet recovered. Further, in this case, eight witnesses have been examined and the investigation is not yet completed. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervener vehemently opposed for grant of anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and considering the nature of charges levelled against the petitioners and also eight witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION, TENKASI DISTRICT.

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

+1. CC to M/S.BALAMURUGAN P Advocate SR.No.21299

ORDER

IN

CRL OP(MD) No.21299 of 2022

Date : 01/12/2022

SS/BUC/SAR III/16/12/2022/ 3P 6C

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