



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22180 of 2022

Alagarpandi

...Petitioner/Accused No.1

-VS-

The State represented by
The Sub Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(in Cr.No.367 of 2022)

...Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.367 of 2022.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b) and 506(i) IPC r/w Section 4 of TNPHW Act in Crime No. 367 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 23.10.2022, the petitioner and other accused were bursting crackers in front of the de-facto complainant's house in a drunken mood and when the same was questioned by the de-facto complainant and her mother, the accused persons 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 the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that the other accused were already granted anticipatory bail by this Court in Crl.O.P(MD)Nos.20998 and 21029 of 2022, dated 28.11.2022 and A5 was already released on bail by the learned Judicial Magistrate Court No.I, Sivakasi. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that no one has sustained injury in this case. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Taking into consideration the facts and submissions and on perusing the materials available on record, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Sivakasi, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., 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]**.



[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
15/12/2022

/ TRUE COPY /

WEB COPY

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.JOTHI BASU.M Advocate (SR-14914[I] dated 15/12/2022)

ORDER
IN
CRL OP(MD) No.22180 of 2022
Date :15/12/2022

cmr
PKP/VR/SAR-1/22.12.2022/3P/6C