



BBEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

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

CRL.O.P (MD)No.859 of 2023

WEB COPY

1.Balamurugan

2.Uttirakumar @ Sethu Pandian

...Petitioners/Accused

-vs-

The State represented by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Cr.No.238 of 2022)

...Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.238 of 2022 on the file of the respondent Police.

For Petitioners

: Mr.V.Manikandan, Advocate

For Respondent

: Mr.K.Sanjai Gandhi

Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b) and 506(ii) of IPC in Crime No.238 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioners and the de-facto complainant are Advocates. Due to the previous enmity, the petitioners have abused the de-facto complainant in filthy language through phone and also in social media and also criminally intimidated him. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit the petitioners have not committed any offence as alleged by the prosecution. He would submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them.

4.The learned Government Advocate (crl.side) would submit that due to previous enmity, the petitioners have abused the de-facto complainant in filthy language through phone and also in social media and also criminally intimidated him. He would also submit that the second petitioner has four previous cases pending against him and he would strongly oppose for grant of anticipatory bail to

<https://www.crl.pct.in/> petitioners.



5. At this juncture, the learned Counsel for the petitioners would submit that he would not press for anticipatory bail in respect of the second petitioner. In view of the same, this petition is dismissed in respect of the second petitioner.

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6. Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7. Accordingly, the first 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, Muthukulathur, Ramanathapuram, on condition that the first petitioner shall execute 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 first 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 first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 229A IPC.

sd/-

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

CMR

<https://www.mhc.tn.gov.in/judis>



TO

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- 1 THE JUDICIAL MAGISTRATE,
MUTHUKULATHU,
RAMANATHAPURAM.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.859 of 2023
Date :12/01/2023

VA/MMS/SAR-3/27.01.2023/3P/5C