



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

PRESENT

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

CRL.O.P(MD)No.1401 of 2023

Selva Kumar

...Petitioner / Sole Accused

-vs-

The State represented by
The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
(in Cr.No.6 of 2023)

...Respondent / Complainant

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.6 of 2023.

For Petitioner	:	Mr.S.Palani Velayutham, Advocate.
For Respondent	:	Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 324, 353 and 506(i) of IPC in Crime No.6 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant is a Police Official. While the de-facto complainant doing regular vehicle check-up and when the de-facto complainant asked the petitioner to stop the bike, the petitioner did not stop the bike and thereafter, there was a wordy quarrel and the petitioner has abused the de-facto complainant in filthy language, and also attacked him and criminally intimidated him. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that since the de-facto complainant demanded bribe from the petitioner, there was a quarrel between them, during which time, the incident had happened. The petitioner has no previous case pending against him and the injured has been discharged from hospital.



4.The learned Government Advocate (Crl.side) would submit that while the de-facto complainant doing regular vehicle check-up and when the de-facto complainant asked the petitioner to stop the bike, the petitioner did not stop the bike and thereafter, there was a wordy quarrel and the petitioner has abused the de-facto complainant in filthy language and also attacked him and criminally intimidated him. He would also submit that the injured has been discharged from hospital and he would oppose for grant of anticipatory bail to the petitioner.

5.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 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, Alangulam, Tenkasi District, 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., for a period of two weeks and thereafter, as and when required, on issuance of summons.

[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 FIR can be registered under Section 229A IPC.

sd/-

25/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

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

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

+1. CC to M/S.PALANI VELAYUTHAM S Advocate SR.No.1416.

ORDER

IN

CRL OP(MD) No.1401 of 2023

Date :25/01/2023

cmr

MK/SAR-III(04.02.2023) 3P 6C