



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3299 of 2023

Vijayakumar

... Petitioner/Accused

Vs

The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
Crime No.171 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Kanagaraj T,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervener: M/S.B.Vinoth Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Cr.No.171 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(i) of IPC in Crime No. 171 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 he is a practising lawyer and he appeared for his client Anu @ Poowa in a case in HMOP No.115 of 2022 before Sub Court, Virudhunagar. The accused who is the husband of the said Anu on 25.01.2023 had abused and threatened the defacto complainant over phone. He also sent abusive message in whatsapp, hence the case.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is the husband of the said Anu and there is a matrimonial dispute pending between the petitioner and the defacto complainant's client and due to misunderstanding and frustration he has sent certain abusive messages to the advocate without understanding the consequences. Later he had regretted for the same and he has also filed an affidavit of apology before this Court seeking pardon from the advocate. He would further submit that the petitioner is ready to file an affidavit of before the learned Magistrate that he will not indulge in any such acts any further, hence he seeks anticipatory bail.

4. The learned counsel for the intervenor/defacto complainant would submit that the petitioner herein had abused the defacto complainant in filthy language and also threatened him.

5. The learned Government Advocate(Crl.side) appearing for the respondent would submit that accused who is the husband of the client of the defacto complainant on 25.01.2023 abused and threatened the defacto complainant over phone and also sent abusive message in whatsapp, hence he objected to grant anticipatory bail to the petitioner.

6. Heard. Perused the materials available on record including the First Information Report and the affidavit filed by the petitioner. It is also stated in the affidavit that he had done it out of frustration without understanding the consequences..

7. Taking into consideration of the facts and circumstances of the case and also the affidavit filed by the petitioner, this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

8. 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.V, 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 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 confirm their identity.



[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] The petitioner is also directed to file an affidavit of undertaking before the learned Magistrate that he will not indulge in such of acts in future.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/02/2023

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/03/2023

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

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TO

1.THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI CITY.

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

+1 CC to M/s.T.KANAGARAJ, Advocate (SR-2853[I] dated 24/02/2023)
ORDER IN
CRL OP(MD) No.3299 of 2023
Date :23/02/2023