



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/05/2023

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PRESENT

The Hon'ble Mr. Justice P. VADAMALAI

CRL OP(MD). No.9518 of 2023

Shanmuganathan,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thiruppulani Police Station,
Ramanathapuram District.
Cr.No.77 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Vishnuvarthanan.P.M,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

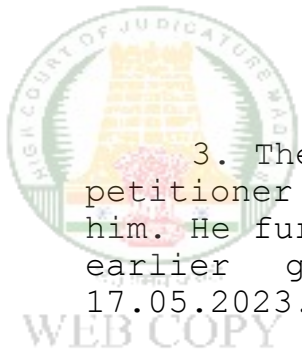
PRAYER :-

To enlarge the Petitioner in Anticipatory Bail in FIR in Crime No.77 of 2023 dated 18.04.2023.

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(ii) of I.P.C., r/w Section 4 of TNPHW Act in Crime No. 77 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that purely on the internal politics of BJP party in Ramanathapuram District between old and new district president, Crime No.155 of 2023 came to be lodged as he supported the old district president of BJP party. On 10.09.2022, out of the vengeance in registering earlier FIR in Crime No.155 of 2023 against the petitioner (A4), the petitioner verbally abused the defacto complainant and passed life threat over the family members through police. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He further submits that in Crime No.155 of 2023, this Court had earlier granted bail in Crl.O.P.(MD)No.8822 of 2023 dated 17.05.2023. Hence, he prays for anticipatory bail.

4. The learned Government Advocate(Cri.Side) appearing for the respondent would submit that the petitioner is having one previous case.

5. Heard. Perused the materials available on record including the First Information Report.

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

7. 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 Court No.I, Ramanathapuram, 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 learned Magistrate concerned 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 stay at Gudalur and report before the Gudalur Police daily at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation by the respondent police.

[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].



CRL OP(MD)



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

sd/-
25/05/2023

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPPULANI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INPSPECTOR OF POLICE
GUDALUR POLICE STATION, GUDALUR.

+1 CC to M/s.VISHNUVARTHANAN.P.M, Advocate (SR-7836[I] dated
25/05/2023)

ORDER
IN
CRL OP(MD) No.9518 of 2023
Date :25/05/2023

PKP/ /SAR- /26.05.2023/ **3P/7C**