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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2023

PRESENT

The Hon`ble Mr.Justice **V.SIVAGNANAM**

CRL OP(MD)No.17571 of 2023

Arivinco,

... Petitioner/ Accused No.1

Vs

The State rep. by the
Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
Crime No.189/2023

... Respondent/ Complainant

For Petitioner : Mr.V.Janakiramulu, Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.189/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.189 of 2023, on the file of the respondent police, seeks anticipatory bail.

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



2. The case of the prosecution as per the de-facto complainant is that the de-facto complainant is an Ex.M.L.A of erstwhile ruling party. The petitioner, who is the employee of Sembcorp WindMill, is said to have brought JCB, Eicher Concrete Mixture, tractor and entered into the land belonging to the de-facto complainant and causing damage to the land. When it was questioned, the petitioner is alleged to have abused with vulgar words, slapped and threatened the de-facto complainant with dire consequences.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that the petitioner abused with vulgar words, slapped and threatened the de-facto complainant with dire consequences. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the nature of offence and also considering the fact that there is no previous case pending against the petitioner, 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, Ottapidaram 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 trial Court as and when required for the purpose of interrogation.

[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/-
03/10/2023

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/10/2023

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

TO

1 THE JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.V.JANAKIRAMULU, Advocate (SR-14707[I] dated 05/10/2023)



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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023



ORDER

IN

CRL OP(MD) No.17571 of 2023

Date :03/10/2023