



CRL OP(MD). No.18572 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18572 of 2023

N.Thanga Perumal,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District
Crime No. 500 of 2023.

... Respondent/Complainant

For Petitioner : M/s.MARIA VINOLA M,
Advocate.

For Respondent : Mr.RMS SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No. 500 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279,294(b),307,506(ii) of IPC and Section 3 of TNPPDL Act in Crime No.500 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner obtained loan for tractor No.



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TN-96 E 2549 from Shriram Finance Company for a sum of Rs.6 lakhs with 60 instalments of Rs.15,000/- per month. Till date the petitioner has paid 27 installments and 8 installments is yet to be paid and it was asked repeatedly through phone and in person, but he has not paid. On 06.10.2023, at about 05.00 pm., when the defacto complainant along with other finance company worker saw the petitioner coming in a tractor near north Pandavarmangalam they stopped him and asked for payment of instalments, the petitioner scolded him in filthy language and also threatened with dire consequences. Further when the defacto complainant told that he is going to seize the vehicle the petitioner drove the vehicle in a rash and negligent manner and hit the defacto complainant's two wheeler, due to which he fell down and sustained injuries and the front portion of the two wheeler got damaged , hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence he seeks anticipatory to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has not repaid the installments and when the same was questioned the petitioner scolded him in filthy language, assaulted him and also threatened with dire consequences and also caused damage to the two wheeler, hence he objected to grant anticipatory bail to the petitioner.



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5. It is reported that the injured was treated as out patient

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6. Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residents at Thoothukudi District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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.II, Kovilpatti on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) 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 shall report before the trial Court on receipt of summons

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

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

[d] 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].

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

sd/-
16/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.MARIA VINOLA M Advocate SR.No.15239

ORDER

IN

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Date :16/10/2023

SA/JGB/SAR. /20.10.2023/5P/6C

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