



CRL OP(MD). No.18979 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18979 of 2023

Venkatesh @ Venkadesh

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(In Crime No.280 of 2023).

... Respondent/Complainant

For Petitioner : P.Praveenkumar
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. 280 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.18979 of 2023

WILSON P ORDER : The Court made the following order :-

The petitioner / accused, who apprehends at the hands of the respondent police for the offences punishable under Section 341, 294(b), 387, 307 and 506(ii) IPC in Crime No.280 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner waylaid the defacto complainant and demanded a sum of Rs.2000/-, but, he refused the same and that the petitioner herein and other accused have abused him in filthy language. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence he seeks anticipatory to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that petitioner said to have waylaid the defacto complainant and demanded a sum of Rs.2000/-, but, he refused the same and that the petitioner herein



CRL OP(MD). No.18979 of 2023

and other accused abused him in filthy language. Hence, the case. He would further submit that the defacto complainant has not sustained injury and the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that it is a case of threatening the defacto complainant.

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 Kamlendra 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 origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners is having permanent residents at Thirunelveli 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.



CRL OP(MD). No.18979 of 2023

WEB COPY

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, Cheranmahadevi on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees 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 appear before the trial Court on receipt of summons as directed by the trial Court.

[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.



CRL OP(MD). No.18979 of 2023

WEB COPY

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
30/10/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1.THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3.THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.18979 of 2023

WEB COPY +1 CC to M/s.R.MANOJKUMAR, Advocate (SR-15770[I] dated 01/11/2023)

ORDER
IN
CRL OP(MD) No.18979 of 2023
Date :30/10/2023

RK/VRS (03/11/2023) 6P /6C

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