



CRL OP(MD) No.5038 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5038 of 2024

SUDALAIYANDI

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
RADHAPURAM POLICE STATION,
TIRUNELVELI
(CRIME NO. 214 OF 2023)

... Respondent / Complainant

For Petitioner : M/s.P.S.Kayal Vizhi, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 214 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police
for the alleged offence punishable under Sections 294(b), 353, 506(ii) IPC in Crime
No.214 of 2023, seeks anticipatory bail.



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2.The case of the prosecution is that the defacto complainant is working as Sub-Inspector of Police and he was involved in routine vehicle check up. At that time the petitioner and his friend were riding two wheeler. When they saw, the defact complainant, they attempted to take reverse the vehicle and the same was questioned by the defacto complainant, for which, the accused persons abused him and made life threat. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that earlier, the petitioner filed a petition for anticipatory bail and the same was dismissed as withdrawn on 15.03.2024. Even thereafter, the respondent Police, without taking any steps to secure the petitioner, threatened him with dire consequences. Accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner is having six previous cases and even after dismissal of the earlier petition, the respondent had not secured the accused.

5.Considering the facts and circumstances of the case and also considering the fact that even after dismissal of the earlier petition, the respondent Police is unable to secure the accused, this court is inclined to grant anticipatory bail to the petitioner



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with certain conditions.

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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 of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. daily at 10.30 am., until further orders;

(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;



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(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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate,
Radhapuram.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KAYAL VIZHI.P.S, Advocate (SR-4040[I] dated 01/04/2024)

ORDER
IN
CRL OP(MD) No.5038 of 2024
Date :28/03/2024

ED/JGB /SAR- (16/04/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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