



CRL OP(MD) No.5018 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.5018 of 2024

GURUSAMY

... PETITIONER/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 56 OF 2024

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.K.RAJESHWARAN Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 56 OF 2024 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 alleged offence under Section 435 of IPC and Section 4 of



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TNPPDL Act, 1992, in Crime No.56 of 2024, on the file of the respondent police, seeks
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anticipatory bail.

2.The case of the prosecution is that due to previous enmity, th the petitioner abused the defacto complainant in filthy language and also set fire on his corn field worth about Rs.2,500/-. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. However, on instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.56 of 2024. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, this Criminal Original Petition is ordered and 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 Court No.I, Kovilpatti, Thoothukudi District, 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.56 of 2024 before the learned Judicial Magistrate Court No.I, Kovilpatti, Thoothukudi District, without prejudice to his rights and contentions and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioner succeeding in the case, the amount will be refunded to him.



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(c).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;

(d).the petitioner shall report before the respondent police as and when required for interrogation;

(e).the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f).the petitioner shall not abscond either during investigation or trial;

(g).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;



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(h).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 (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1.THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-3989[I] dated 28/03/2024)

ORDER
IN

CRL OP(MD) No.5018 of 2024
Date :28/03/2024

RK/VR(10/04/2024) 5P / 6C

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