



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

Wednesday, the Fifteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15424 of 2017

RAJENDHIRAN

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT,
CRIME NO.343 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

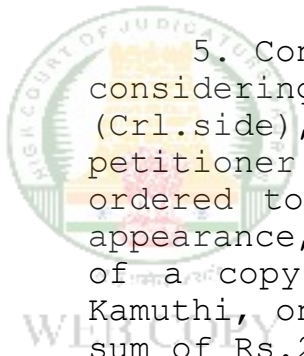
The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 183 and 353 of I.P.C and 4 of Disfigurement Act, in Crime No. 343 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other two persons unauthorisedly erected flex boards in the kamuthi area. On seeing the unauthorised flex boards the Village Administrative Officer filed a complaint before the respondent police under Section 4 of Disfigurement Act for the alleged offence.

3.The learned counsel for the petitioner would fairly concede that erection of flex boards is harm to the society and he informed his client to file an affidavit stating that he will not erect any flex boards in his life time. Accordingly he has filed an affidavit and the relevant paragraph is as follows:-

"I still more submit that I prefer to file an affidavit of undertaking for not to erect flex board in future throughout my life before this Hon'ble Court instead I may choose other ways to make publicity and propaganda for airing out party's views in future and to that effect this affidavit is filed."

4. The learned Government Advocate (Criminal side) appearing for the respondent did not dispute the facts submitted by the learned counsel for the petitioner.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Judicial Magistrate Court, Kamuthi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the investigation officer as and when required for interrogation on receipt of summon;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not commit any offence while on bail;
- (iv) 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 and the anticipatory bail granted stands cancelled automatically.
- (V) Contrary to the affidavit filed by the petitioner, if the petitioner erected flex boards in the particular area in future, the anticipatory bail granted to the petitioner shall automatically stands vacated without further reference of this Court and liberty is granted to the police officials to proceed further.

sd/-
15/11/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.34493

ORDER IN
CRL OP(MD) No.15424 of 2017
Date :15/11/2017