



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1715 of 2018

M.SELVAM

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT, MADURAI.
(CRIME NO.11 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

For Intervenor : M/S.S.RAMASAMY, Advocate

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

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 506(i) of IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.11 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner made quarrel with the Village Administrative Officer in order to get a FMB sketch and prevented her from doing her official duty. Further he abused her by using filthy language. Hence, a complaint was lodged by the Village Administrative Officer. Based on the said complaint, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and pleads for grant of anticipatory bail to the petitioner.



4. The learned counsel appearing for the intervenor submitted that when the petitioner and 10 other accused entered into the defacto complainant's office and demanded to give a copy of the FMB sketch, she explained that they shall approach the Tashildar concerned to get the said FMB sketch. Since the defacto complainant refused to give the documents, the petitioner and other accused abused the defacto complainant by using filthy language and restrained her from doing her official duty. Hence, he prays for dismissal of this anticipatory bail application.

5. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, submitted that the petitioner and other 10 accused have prevented the Village Administrative Officer from doing her official duty. He further submitted that the investigation is in progress.

6. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner along with others entered into the defacto complainant's office and demanded to give a copy of the FMB sketch. Since the defacto complainant refused to give the documents, the petitioner and other accused abused the defacto complainant by using filthy language and restrained her from doing her official duty. Now, considering the nature of offence committed by the petitioner and considering the facts and circumstances, custodial interrogation may not be necessary for completing the investigation. However, since the petitioner and other accused in this case restrained the defacto complainant to function as a Government servant, this Court is inclined to grant anticipatory bail to the petitioner with **some stringent** 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 on which the order copy is made ready, before the learned Judicial Magistrate, Vadipatti, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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 **Tuticorin Police Station** daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

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

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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]**.

sd/-
07/02/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.2111

ORDER
IN
CRL OP(MD) No.1715 of 2018
Date :07/02/2018

PK/RR-CSL/SAR-2/12.02.2018 : 3P/7C