



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21910 of 2018

GUNASEKARAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 145 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN, Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioner/sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 332, 384, 506(i) I.P.C in Crime No.145 of 2018, seeks anticipatory bail.

2. The allegation against the petitioner is that he used filthy language against the defacto complainant, who is working as a Village Administrative Officer, while she was conducting an estimate in respect of the 'Gaja storm'.

3.The learned counsel appearing for the petitioner further submits that the petitioner is innocent and he has not committed any offence. Hence, prayed that anticipatory bail may be granted to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioner had questioned the defacto complainant, while she was doing her official duty properly. He would further submit that investigation is going on.



5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Pattukkottai, Thanjavur 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI,
THANJAVUR DISTRICT.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.23144

ORDER

IN

CRL OP(MD) No.21910 of 2018

Date :12/12/2018

AMS/VR-MMS/S-3/26.12.2018/3P/6C