



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

Monday, the Third day of December Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.21336 of 2018

ARUN KUMAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
PERAVURANI POLICE STATION,  
THANJAVUR DISTRICT.  
CRIME NO.167/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.A.S.PRABHU, Advocate

For Respondent : Mr.M.ASOKAN, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 332 and 506(ii) of I.P.C., in Crime No.167 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 19.11.2018 the petitioner along with other accused persons attacked the defacto complainant, who is a Village Administrative Officer of Kalagam village and restrained her from discharged her duty by using filthy language with dire consequences.

3. The learned counsel for the petitioner would submit that the people of Kalagam village are suffering from Kaja Cyclone and the defacto complainant who is a Village Administrative Officer of Kalagam village and other officials came to spot after four days, this petitioner along with other accused persons among the people of Kalagam village enquired about the delay for their visit and hence, the Village Administrative Officer of Kalagam Village gave a false complaint against the petitioner and other accused persons.

4. The learned Government Advocate (Criminal Side) would submit that the other accused persons were released on bail.



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

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, 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 said Magistrate, on further condition that:

[a] if the petitioner fail 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/-  
03/12/2018

/ 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-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,  
PERAVURANI POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.K.A.S.PRABHU Advocate SR.No.22513

ORDER IN  
CRL OP(MD) No.21336 of 2018  
Date :03/12/2018