



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4627 of 2019

C.MURUGAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE,
THOOTHUKUDI
CENTRAL POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.95 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.RADHAKRISHNAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI 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 alleged offence under Sections 294(b), 341, 353 and 506(i) of IPC in Cr.No.95 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The defacto complainant is the Municipal Commissioner. He made a complaint that when the sweepers were cleaning the street, at the time the petitioner abused the sweepers for which the Municipal Commissioner filed a complaint before the respondent police. The case is registered in the year 2017.

3.The learned counsel appearing for the petitioner would submit that though the case is registered in the year 2017, now only he came to know that the case is registered. He would also submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. The learned counsel appearing for the petitioner on instructions would submit that the



petitioner is ready to pay Rs.2,000/- in favour of the Thoothukudi Corporation.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner threatened the sweepers while cleaning the locality and vehemently opposed for grant of anticipatory bail

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit Rs.2000/- to the Corporation, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.II, Thoothukudi 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) the petitioner is directed to pay Rs.2000/- in favour of the Corporation, Thoothukudi and the receipt shall be produced at the time of furnishing sureties and thereafter the sureties shall be accepted.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(f)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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/03/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-II,
THOOTHUKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
TUTICORIN DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.G.RADHAKRISHNAN Advocate SR.No.5723

PS/JC/SAR-4/01.04.2019/3P/6C

ORDER

IN

CRL OP(MD) No.4627 of 2019

Date :28/03/2019