



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

Date : 25/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8223 of 2019

Pa.Ranjith,

... Petitioner

Vs

State: Rep.by
The Inspector of Police,
Thirupananthal Police Station,
Thanjavur District,
Crime No. 105 of 2019.

... Respondent

Muthu Kumar

... Petitioner/Intervener
in CRL MP(MD).NO.5575 of 2019 in
CRL OP(MD).NO.8223 of 2019

For Petitioner : Mr.T.Lajapathy Roy
Advocate for MR.G.THALAI MUTHARASU

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

For Intervener : Mr.K.Neelamegam
Advocate

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

PRAYER :-

For Anticipatory bail in Crime No. 105 of 2019 on the file of
the respondent police.

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 153 and
153(A) (1)(a) of IPC in Crime No.105 of 2019, seeks anticipatory
bail.

2. Heard both sides.

3. The case of the prosecution is that on 05.06.2019, when the
petitioner addressed the public meeting at Thirupananthal in
Thanjavur District, convened by Neelapuligal Iyakam, he gave some



controversial speech among the public which may promote enmity between different groups of people. Hence, the respondent police registered an FIR against the petitioner.

4. The learned counsel appearing for the petitioner has submitted that though the offences were said to have been committed by the petitioner on 05.06.2019, the F.I.R was registered only on 11.06.2019. He further submitted that till today, no untoward incidents took place. He further submitted that the petitioner is a film director and he will not abscond if he is released on bail. He further submitted that already the petitioner has filed CrI.O.P. (MD).No.8893 of 2019 to quash the FIR and the same is pending. He further submitted that there is no necessity to arrest the petitioner and no custodial interrogation is not at all required and therefore, he prayed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervener has submitted that the speech made by the petitioner would clearly show that it would promote enmity between different communities. He further submitted that if the petitioner is released on bail he would commit the same kind of offence and therefore, he strongly opposed this petition.

6. The learned Additional Public Prosecutor appearing for the respondent has submitted that with regard to the aforesaid occurrence, in other police stations also cases have been registered. He further submitted that if the petitioner is released on bail, he may commit the same kind of offences and that would create law and order problem. Therefore, he strongly opposed this petition.

7. Taking into consideration the submission made by the learned counsel for the petitioner that even though the offences were said to have been committed on 05.06.2019, the FIR was registered only on 11.06.2019 and further, so far no untoward incidents have been reported and also the fact that the petitioner being a film director, there is no possibility of absconding and also the fact that the learned Additional Public Prosecutor has not specifically contended that the custodial interrogation of the petitioner is absolutely necessary, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court NO.1, Kumbakonam, 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 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:



[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall not indulge in the same kind of offence in future.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m for three days and thereafter, as and when required for the 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

25/06/2019

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

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

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

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

ORDER

IN

CRL OP(MD) No.8223 of 2019

Date :25/06/2019

vsg

AE/JC/SAR-I (08.07.2019) 3P 5C

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