



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.853 of 2019

LAKSHMIKANTHAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUI DISTRICT.
IN CR.NO.5/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.ANANTHAPADMANABAN for
M/S.A.P.N.LAW ASSOCIATES Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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 offences punishable under Sections 294(b), 353 and 506(ii) of IPC, in Cr.No.5 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the Head Constable attached to the respondent police had stopped the procession arranged by the petitioner since the petitioner has not obtained any permission from the authorities. The petitioner abused the defacto complainant with filthy language and threatened him and obstructed the functioning of the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the District Secretary of Hindu Munnani Katchi, Kayathar and on 12.01.2019 regarding 156th Birth Anniversary Celebration of Vivekanandar a procession was arranged by the Hindu Munnani and R.S.S., prior to that legal permission was obtained from the concerned Department. In order to avoid the procession and also to remove the members from the spot, the respondent police has registered a case against the petitioners.



4. The learned Government Advocate (Crl.side) would submit that the petitioner being a District Secretary of Hindu Munnani Katchi, Tuticorin District and he has been indulging in some offences. There are three cases are pending against the petitioner.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court 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 No.II, Kovilpatti, Tuticorin 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, 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 daily at 10.30 am and 5.30 p.m., for a period of two weeks, thereafter as and when required.

[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/-
22/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, TUTICORIN DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI.

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

+1. CC to M/S.A.P.N.LAW ASSOCIATES Advocate SR.No.1226

ORDER

IN

CRL OP (MD) No.853 of 2019

Date :22/01/2019

AM

PK/PN/SAR-1/28.01.2019 : 3P/6C