



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22510 of 2018

D.SILAMBARASAN, ... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR CITY.
(CRIME NO.148 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.THIRUMURUGAN 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 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 153(B, 153A(1)(c) of IPC, in Cr.No.148 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner proposed to held a meeting on 15.07.2018 in a marriage hall for debating certain issues, for which he had posted the invitation in the Face book, which was seen by the Village Administrative Officer of Kallapuliyur, Kumbakonam Taluk who had preferred the complaint to the respondent police on 12.06.2018.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime. Originally the petitioner intends to conduct the meeting in a peaceful manner. However, coming to know about the complaint, the petitioner had cancelled the meeting.

4.The learned Government Advocate (Crl. Side) submits that the petitioner is intends to conduct the meeting in political manner.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Taking into consideration the facts of the case, 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 No.II, Kumbakonam, 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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/-
02/01/2019

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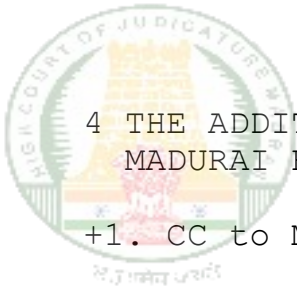
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

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

3. THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR CITY.



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

+1. CC to MR.T.THIRUMURUGAN Advocate SR.No.14

WEB COPY

ORDER

IN

CRL OP(MD) No.22510 of 2018

Date :02/01/2019

AE/JC/SAR1/08.01.2019/3P/6C