



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7563 of 2020

1. Ayyanar
2. Manohar
3. Krishnakumar
4. Maheshkumar
5. Santhosh
6. Velmurugan
7. Madasamy ... Petitioners/Accused Rank not known

Vs

The State rep.by
The Sub Inspector of Police,
Chinnakovilamkulam Police Station,
Tenkasi District.
Crime No.40 of 2020. ... Respondent/Complainant

For Petitioners: Mr.C.Prabhakaran,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.Rank not known, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 189, 279, 294(b), 341 and 506(ii) of IPC, in Crime No.40 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainants, <https://www.mca2018.com/hcprovides/> police personnel, were on bandobast duty in respect of



birthday celebration of one Gurusamy Yadav, at that time, the petitioners quarreled with the defacto complainants and abused by using filthy language and also criminally intimidated them. Hence, the crime has been registered against the petitioners.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (crl. Side) appearing for the respondent Police.

4. The learned counsel for the petitioners submitted that the petitioner celebrated the birthday of one Gurusamy Yadav by obtaining order with conditions from this Court and the birthday celebration was conducted in a peaceful manner and no occurrence took place. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners criminally intimidated the police personnel and also abused them by using filthy language and hence, a crime has been registered against the petitioners.

6. considering the facts and circumstances of the case and also considering the rival submissions and on perusal of the FIR, it is seen that the petitioners were said to have quarreled with the police personnel and abused them by using filthy language, no one was sustained injury in this occurrence, in the above circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Sankarankovil, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each 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) the petitioners 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;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
SANKARANKOVIL,
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
CHINNAKOVILAMKULAM POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7563 of 2020
Date :21/07/2020

vsg

<https://hccs.judiciary.gov.in/cases/07.2020/3P/5C>