



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

Date : 07/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9414 of 2020

1. Pandi
2. Dinesh Kumar @ Dinesh ... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
T.Ramanathapuram Police Station,
Madurai District.
Cr.No. 529 of 2020. ... Respondent/Complainant

For Petitioners: M/s.V.Ramasubramaniam,
Advocate.

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

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

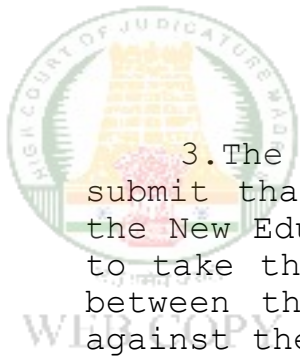
PRAYER :-

For Anticipatory Bail in Crime No.529 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 384, 427, 506(i) of I.P.C. r/w 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.529 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a convener of one registered association. On the date of occurrence, he is conducting a meeting regarding New Education Policy. At the time, the petitioner said to have went to the meeting and caused disturbance therein and also abused the de-facto complainant. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the de-facto complainant conducted a meeting regarding the New Education Policy with innocent children, the petitioner went to take the children, at the time, there was a wordy quarrel arose between them, due to which, the present complaint has been filed against them.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioners deliberately went to the meeting conducted by the de-facto complainant and also caused disturbance and also abused him.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and no serious allegation is made out against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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.II, Usilampatti, Madurai District, 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 as and when required for interrogation;

(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***



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

sd/-
07/09/2020

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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.II,
USILAMPATTI,
MADURAI DISTRICT.
2. -DO- THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
T.RAMANATHAPURAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9414 of 2020
Date :07/09/2020

SJI
SRS/ JC/ SAR-II/ 14.09.2020/ 3P/5C