



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17947 of 2021

B.MURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
R-3, MADUKKARAI POLICE STATION,
COIMBATORE - 641 105.
CRIME NO.492 OF 2021

[RESPONDENT]

For Petitioner : M/S.A.RAMESH MANIKANDAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

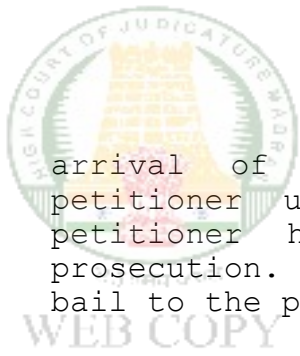
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 294(b), 353 of IPC in Cr.No.492 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working as an Assistant in Arisipalayam Primary Health centre. The petitioner, in the name of seeking information, continuously disturbed the de-facto complainant during the working hours and there arose a wordy quarrel between the petitioner and the de-facto complainant and the petitioner scolded the de-facto complainant using filthy language and threatened the de-facto complainant with dire consequences. Hence, the Law Enforcing Agency registered a case against the petitioner based on the complaint lodged by the de-facto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a social activist and went to the hospital for eye treatment and waited for the Doctor for more than 1 hour. When the petitioner questioned the de-facto complainant regarding the



arrival of the Doctor, the de-facato complainant abused the petitioner using filthy language. He further submits that the petitioner has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) submits that the petitioner continuously disturbed the de-facto complainant and prevented the de-facto complainant from doing the duty.

5. Considering the fact that no one sustained injuries and the petitioner only tried to gather information, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Honorable Judicial Magistrate, Madukkarai, 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 learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]; and;

M.DHANDAPANI, J.

skt



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

WEB COPY

-sd/-
28/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE HONORABLE JUDICIAL MAGISTRATE,
MADUKKARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
R-3, MADUKKARAI POLICE STATION,
COIMBATORE - 641 105.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.RAMESH MANIKANDAN Advocate on payment of
necessary charges SR.NO.10670

CRL OP.17947/2021

Date :28/09/2021

JPA 12/10/2021