



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/01/2021

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PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.179 of 2021

Kumaran @ Thalapathi Kumaran

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.1647/2020)

... Respondent/Complainant

For Petitioner : Mr.Thiruvadi Kumar.A.,
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.1647/2020 on the file of the respondent police.

ORDER: The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 153-A, 427 & 506(i)I.P.C., in Crime No.1647 of 2020 dated 20.12.2020, on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that based on the complaint lodged by one Ganeshkumar, who is the Ward Secretary of AIADMK alleging that when he was standing near Gandhi Park, the petitioner, who happens to be the Ward Secretary of DMK, Kumbakonam along with other accused had tore apart the Flex board erected by him and when



the same was questioned by the defacto complainant, the petitioner and others intimidated the defacto complainant.

4. The learned counsel for the petitioner would submit that due to political animosity, the present FIR came to be registered. He further submit that the petitioner undertakes to abide by any condition that may be imposed upon him by this Court.

5. The learned Government Advocate (Crl. side) would submit that the petitioner and the defacto complainant belong to two different political parties. The Defacto complainant had obtained necessary permission for erecting the flex board. There are three previous cases pending against the petitioner. There is no injury to the defacto complainant.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no injury to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. I, 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 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 petitioner 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 petitioner shall report before the respondent police 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;



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

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sd/-
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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.I, KUMBAKONAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.179 of 2021
Date :07/01/2021
(1/3)

VRN
TE/JC/SAR-I : 20/01/2021 : 3P/5C