



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

Date : 27/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1066 of 2021

1. K.Gunasekaran
2. K.Thilagar Raja
3. Thangeshwaran

... Petitioners/Accused Nos.1 to 3
-Vs-

State Rep.by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No.1459 of 2020.

... Respondent/Complainant

For Petitioners : Mr.S.M.A.Jinnah,
Advocate.

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

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

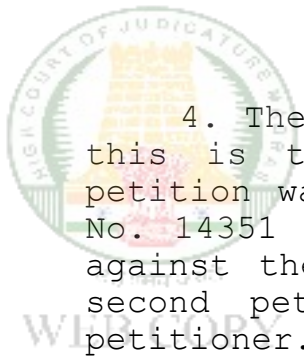
PRAYER :- For an Anticipatory Bail in Crime No.1459 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 427, 323 and 506(i) of IPC seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant engaged in enrollment of voters program the first accused came to the spot, abused him and also tore the erstwhile Chief Minister's picture and at that time the petitioners assaulted him with wooden log. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that due to political motive a false case has been foisted against them.



4. The learned Government Advocate(Crl.Side) would submit that this is the second anticipatory bail petition and the earlier petition was dismissed by this Court on 09.12.2020 in Crl.O.P(MD) No. 14351 of 2020. He would also submit that 21 cases are pending against the first petitioner and 14 cases are pending against the second petitioner and 11 cases are pending against the third petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that no one sustained injuries in the said occurrence, this Court is 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 SCW 5560]***; and;

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

sd/-
27/01/2021

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1066 of 2021
Date :27/01/2021

AAV

MS/VR/SAR-3/03.02.2021/3P.5C