



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD) . No.2354 of 2021

WEB COPY

1. M.Vaigundam
 2. K.Nagaraj
 3. M.Gunasegaran @ Kuitti
 4. G.Duraisamy
- ... Petitioners/Accused No.2 to 4 & 7
- Vs

The State rep by
Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.626/2020). ... Respondent/Complainant

For Petitioners: Mr.Pandian.M,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.626/2020 on the file of the respondent police.

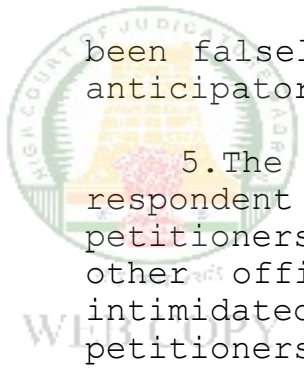
ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2 to 4 and 7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 341, 353 and 506(ii) of IPC, in Crime No.626 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a constable. On the date of occurrence, due to law and order problem in the petitioners' village, due to clash between two groups, when the police officials were present in the village to maintain law and order, at that time, the petitioners said to have abused the defacto complainant and other officials by using filthy language and also criminally intimidated them. Hence, the complaint.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution 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 on the date of occurrence, the petitioners were said to have abused the defacto complainant and other officials by using filthy language and also criminally intimidated them. Hence, the crime has been registered against the petitioners.

6.This is the second application and this Court has already granted anticipatory bail to the very same petitioner. But, they were unable to execute the sureties. Considering the facts and circumstances of the case and also considering the fact that the only allegation against the petitioners is that they criminally intimidated the defacto complainant. Considering the above circumstances and there is no other serious allegation levelled against the petitioners, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety 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 for a period of two weeks and thereafter 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16.02.2021

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/ /2021

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

vsg

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, Srivilliputhur.
2. -Do- Thro The Chief Judicial Magistrate,
Virudhunagar District.
- 3.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.2354 of 2021
Date : 16/02/2021

VB JC SAR 3(19.02.2021) 3P 5C