



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

Date : 11/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1321 of 2021

Mugunthan

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Crime No.1309 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Ramu, 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.1309 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 and 309 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that by virtue of instruction in W.P.(MD)No.14900 of 2020, the peace committee was conducted on 20.12.2020 at Tahsildar Office, Orathanadu between both the parties and on 23.12.2020, as per instruction of Tahsildar, Orathanadu, the Deputy Tahsildar, Revenue Officer and Surveyor with the respondent visited the land in Survey No.167/23 for removing the trees with the help of JCB vehicle in the land which was under the enjoyment of one Thiagarajan. The said Thiagarajan objected the atrocity of the officers and on extreme, he had attempted to self immolation by taking poison. At that time, the petitioner and others abused and shouted against the officials. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner and other accused are said to have prevented the Government Officials from removing the trees and also A-1 took the poison for self immolation and the investigation is pending.

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5.It is seen that there some dispute between A1/Thiyagarajan and one Rajathi, due to which, the said Rajathi had filed a W.P.(MD) No.14900 of 2020 and this Court passed an order and directed the revenue officials to survey the land with the help of JCB. At that time, the A-1 a fit of anger had consumed poison. Immediately, the revenue officials brought A1 taken to the hospital and at that time, this petitioner got enrich and abused and shouted against the officials.

6.Taking note of the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, 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.

sd/-
11/02/2021

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/ /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.

TO

1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.M.RAMU, Advocate (SR-938[I] dated 12/02/2021)

ORDER
IN
CRL OP(MD) No.1321 of 2021
Date :11/02/2021

SJI
MS/VR/SAR-3/22.02.2021/3P.6C