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

Date : 25/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4184 of 2021

Athi Narayanan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.77/2021).

... Respondent/Complainant

For Petitioner : Mr.Shankar.K.,
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.77/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

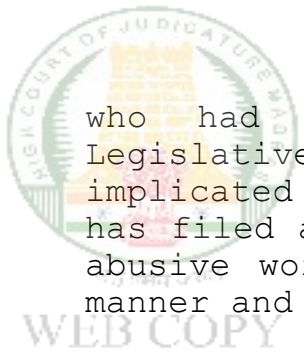
The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448 and 506(ii) of IPC, in Crime No.77 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner was said to have abused the ruling Minister by using filthy language in front of Selvi.Jeyalalitha temple and tried to trespass into the above said temple. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioner submitted that the petitioner is a social worker and he is the one of the political party, who is opposite to the present people in power. He

<https://hcservices.mca.gov.in/hcservices/>



who had filed nomination of MLA election in Thirumangalam Legislative Assembly Constituency. Therefore, he has been falsely implicated in this case. He further submitted that the petitioner has filed an undertaking affidavit stating that he will not use any abusive words against his political opponents or any other in any manner and hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police strongly opposed the anticipatory bail application stating that the petitioner is having 18 previous cases. He further submitted that since he using his muscle power and he is also being a political party, he is not following the rules and regulations and causing disturbance to the others and threatened the public. He further submitted that the petitioner was said to have used abusive words against ruling Minister, officials and others.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner has filed an undertaking affidavit stating that he will not use any abusive words against his political opponents or any other in any manner, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



If there is any violation of undertaking affidavit given before this Court, the respondent Police will take necessary action against the petitioner.

sd/-
25/03/2021

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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,
THIRUMANGALAM, MADURAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
T.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.SHANKAR Advocate SR.No.2685

ORDER
IN
CRL OP(MD) No.4184 of 2021
Date :25/03/2021

NR/PN(30.03.2021) 3P:6C