



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4767 of 2021

S.V.S.P.Manickaraja ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.240/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.240 of 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 143, 153, 294(b), 286, 352, 427 and 506(ii) of IPC, in Crime No.240 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 21.03.2021, when the defacto complainant along with Mr.Kadambur Raju, Minister for Information and Publicity Department, had come to the road near Brindha Super Market, Annaitherasa Nagar, Pandavarmangalam, Manthithoppu Road, Kovilpatti, for election campaign, at that time, the petitioner instigated his party members to fire 10000 crackers near the Minister's car, due to which, the said Minister felt insecure. Subsequently, the petitioner was said to have abused the defacto complainant by using filthy language and tried to cause panic to the opposite candidate. 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 after announcement of Tamil Nadu State Assembly Election his party founder decided to contest in the Kovilpatti Constituency, due to which, the ruling party members caused trouble to the petitioner right from the date of nomination itself. Therefore, he has been falsely implicated in this case. He further submitted that the petitioner has filed an undertaking affidavit 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 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. On perusal of the materials available on records, it is seen that the petitioner is a Secretary, South Zone, AMMK. Now he is a power agent of the candidate of Kovilpatti Constituency and he is also a chairman of Kayathar Panchayat and he is known personality in that area. Normally in the election, all the candidate with emotionally surcharged, due to which, the petitioner is said to have instructed to fire crackers near Minister's car, who is a rival candidate. The petitioner denies the same and it was an accident. Only one certain thing is that the bursting of fire crackers near the Minister's car, at that time, the Minister was inside the car and he felt insecure and further there was a possibility of damage by explosion later on the intervention of the police, he was rescued. The petitioner has also filed undertaking affidavit, in which, Paragraph No.5 is extracted hereunder:

"5. I humbly submit that during the election campaign, I strongly follow the election code of conduct without any deviation, I never uttered any community name during the election campaign, in fact I did not have any iota of intention to degrade any political party candidates. I undertake that throughout the election I will not indulge in any unruly practice and I will fully co-operate with the peaceful election process. No untoward incident will happen from my part and I will be more careful not only in election campaign, but in all forums."

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner has filed an undertaking
<https://hccservices.tn.gov.in/hccservices/> 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 No.II, Kovilpatti, Thoothukudi 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 the undertaking affidavit given by the petitioner is violated, the respondent Police will take necessary action against the petitioner.

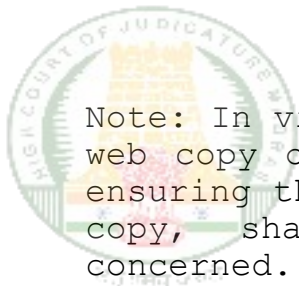
sd/-

01/04/2021

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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.

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- TO
1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI,
THOOTHUKUDI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4767 of 2021
Date :01/04/2021
1/2

VSG
MS/PN/SAR-1/01.04.2021/4P.5C