



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.8722 of 2021

1. Palanivelu
2. Tamilselvan
3. Rajasekar
4. Mayilvaganam
5. Elamparithi

... Petitioners/Accused
No.5 to 9

Vs

The State Rep. by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No. 604/2021.

... Respondent/Complainant

For Petitioners : Mr.Balamurugapandi.D, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime no. 604 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(B), 341, 353 of IPC in Crime No.604 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Village Administrative Officer in Mavadukurichi. On 23.06.2021, at about 03.15 pm, when the encroachments were removed in the presence of Sub Collector, C.Balachandhar and other officials, the accused in this case said to have prevented them from removing the encroachments. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor opposed this petition on the ground that Public Servants are prevented from performing their official duty.

5.Taking into consideration the facts and circumstances of the case, the fact that the petitioners are said to have protested against the removal of encroachments and also the fact that material witnesses are all official witnesses in this case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, Thanjavur District 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 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 respondent police daily at 10.30 am., until further orders.

[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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/07/2021

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

+1 CC to Mr.D.BALAMURUGAPANDI, Advocate (SR-4319[I]dated 05/07/2021)

ORDER
IN
CRL OP(MD) No.8722 of 2021
Date :02/07/2021

MBI
TE/MNR/SAR-I : 06/07/2021 : 3P/6C