



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

Date : 19.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

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CRL OP (MD) No.9316 of 2021 &
CRL MP (MD) No.4893 of 2021

1.H.Raja
2.Suryanarayanan ... Petitioners/Accused

Vs

State Represented by,
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime No.114 of 2018 ... Respondent/Complainant

For Petitioners : Mr.S.Kanagarajan

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

For Intervenor : Mr.V.Kannan

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

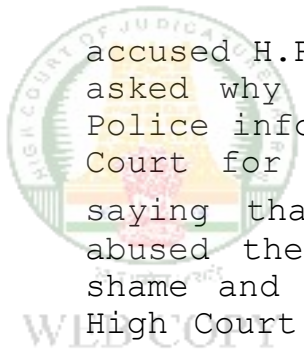
PRAYER :-

For Anticipatory Bail in Crime No.114 of 2018 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 143, 188, 153A, 290, 294(b), 353, 505(1)(b), 5050(1)(c) and 506(1) of IPC in Crime No.114 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Inspector of Police, Thirumayam Police Station. One S.Ganesan sought for permission to conduct a procession in connection with Vijayagar Chadhurthi on 13.09.2018 on behalf of Meyyapuram Village people. As per the orders of this Court in WP (MD) No.19875 of 2018 and WP (MD) No.17557 of 2018, permission was granted with defined route and conditions to be observed during the course of procession. On 15.09.2018, at about 08.00 am, the defacto complainant along with Police Officers were engaged in bandobast in front of Nana Muthumariyamman Temple. At that time, there were about 90 people worshiping God. At about 12.15 pm, the first

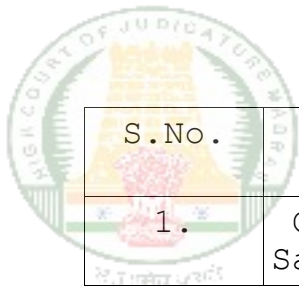


accused H.Raja and other accused had come there. The accused H.Raja asked why no platform was made ready for his Address. When the Police informed him that there is a prohibitory order issued by this Court for erecting platform or shed, the first accused responded saying that "ஹைக்கோர்ட்டாவது மயிராவது, I don't mind" and then he abused the Police in filthy language saying that "Police has no shame and it is a corrupt establishment". When he was told that High Court's order has to be complied with, he responded by saying that "ஹைக்கோர்ட்டாவது, மண்ணாங்கட்டியாவது". Then the first accused instructed the persons present there to lay a platform. Those persons tried to raise a platform using iron pipes and wooden blocks. The Police tried to prevent them. The accused without minding the Police objections spoke among the 90 persons in a way that likely to cause violence, feelings of enmity, ill-will and fear among the general public and between two religions. When they tried to go on a procession in a road where there is Church, the Police tried to prevent them. However, without minding the orders of this Court and with a view to cause obstruction to the public, proceeded with the procession. The accused made criminal intimidation. Therefore, this case.

3.The learned counsel for the petitioners submitted that there are totally 19 accused in this case. Except the petitioners, other accused have been granted anticipatory bail. Investigation in this case is completed. Final report is also filed. In a contempt proceedings initiated by this Court, he tendered his apology. The first petitioner has received summon in CC.No.28 of 2021 for his appearance before the learned District Munsif cum Judicial Magistrate, Thirumayam on 23.07.2021. Therefore, he seeks anticipatory bail to the petitioners.

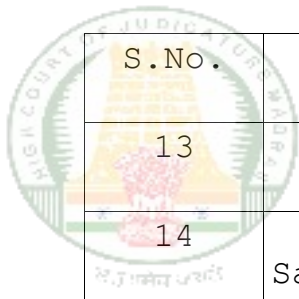
4.This petition is strongly opposed by the learned counsel for the intervenor on the ground that the petitioner along with other accused have committed very serious offence of making derogatory remarks against the High Court undermining its Majesty and Authority. Petitioners are not arrested by the respondent Police deliberately. Though there is an offence involved under Sections 505(1)(b) and 505(1)(c) of IPC, the respondent Police have not obtained sanction for prosecuting the case under Section 196 of the Code of Criminal Procedure, only with a view to help the accused in this case. Not only the Police has not arrested the petitioners, but they have also not chosen to file the final report on time. Intervenor has sent a representation dated 24.11.2019. There was no response. Thereafter, he filed CrI.OP(MD)No.1049 of 2020 seeking a direction to the respondent Police to file final report. Even after an order was passed by this Court, the final report was not filed. The intervenor filed Cont.P(MD).NO.153 of 2021. Only thereafter, final report has been filed in this case. It shows that the respondent Police is siding with the petitioners and seeks dismissal of this petition.

<https://hcservices.ecourts.gov.in/hcservices> 5.The learned Government Advocate (Criminal Side) also opposed this petition and submitted that the first petitioner has 18 previous cases pending against him. The details are as follows:



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S.No.	District OR City/Name of PS	Cr.No.	Section of Law	Stage
1.	Coimbatore City, Saravanampatti PS.	514/2012	279 IPC r/w 185 MV ACT	Disposal
2.	Dindigul, Reddiyarchatram PS.	165/2018	124A, 153A, 294(b), 505 (1) (b), 505 (1) (C), 506 (2) IPC	UI
3.	Erode, Karungalpalayam PS.	512/2018	153, 505(2) IPC @ 153, 504 IPC	PT
4.	Kallakurichi, Kallakurichi PS.	679/2018	504, 505(1) (c), 509 IPC 67-IT ACT - 4 TNPHW ACT	NTF
5	Kancheepuram, Sivakanchi PS.	505/2018	294(b), 504 IPC	NTF
6	Karur, Karur Town PS.	694/2018	153B, 505(2) IPC 4 TNPHW Act.	NTF
7	Madurai, Checkanurani PS.	126/2021	143, 188, 269 IPC	UI
8	Nagapattinam, Vellipalayam PS	427/2017	143, 188, 341 IPC	NTF
9	Pudukottai, Ganesh Nagar PS.	164/2018	153, 353, 354, 355 IPC 4 TNPHW Act	Referred
10	Pudukottai, Thirumayam PS.	114/2018	143, 153A, 188, 290, 294(b), 353, 505(1) (b), 505(1) (c), 506(1) IPC @ 143, 153, 290, 294(b), 341, 353, 505(1) (b), 505(1) (c), 506(1) IPC	PT
11	Ramanathapuram, Rameswaram Temple PS.	31/2018	294(b), 353, 505(1) (b), 505(1) (c) IPC 4 TNPHW Act	UI
12	Sivagangai, Karaikudi North.	375/2012	151 Cr.P.C	Referred



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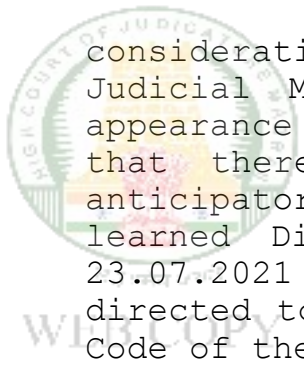
S.No.	District OR City/Name of PS	Cr.No.	Section of Law	Stage
13	St.Thomas Mount Tambaram	476/2017	143, 188 IPC	Referred
14	Tenkasi Sankarankovil Town	607/2018	294(b), 341, 353, 505(1) (b) IPC r/w 4 TNPHW Act	Referred
15	Thanjavur Pattukottai	270/2018	143, 153, 188, 290, 294(b), 353, 505(1) (b), 505(1) (c), 506(1) IPC	UI
16	Tiruppur Avinashi	676/2018	294(b), 353, 505(1) (a) IPC 4 TNPHW ACT	NTF
17	Tiruvallur Thiruthani	2727/2020	143, 188, 269270, 341 IPC	UI
18	Villupuram, Kallakurichi	679/2018	504, 505(1) (c), 509 IPC 67 IT ACT 4 TNPHW ACT	NTF

Therefore, he seeks dismissal of this petition.

6. Narration of the facts shows that the allegation made against the first petitioner is that he made derogatory, denigrating and derisive remarks against the High Court and the Police. He equated the High Court with hair and clod. These kinds of remarks are not expected from a Political Leader. Today's Political leaders are tomorrow's Rulers. If they indulge in this kind of act, defaming and undermining the Judicial Institutions, one of the three organs of the State, it will set a bad precedent. Political Leaders should think twice before they speak. Otherwise, their followers may go in wrong way.

7. Be that as it may, this Court is not inclined to go deep into merits of the case now. Now, this Court has to consider whether the petitioners are entitled for anticipatory bail. Admittedly, in this case there are 19 accused. Except these petitioners, other petitioners have been released on anticipatory bail. The learned counsel for the intervenor stated that the respondent has not obtained sanction for prosecuting the case under Sections 505(1) (b) and 505(1) (c) of IPC. The learned Government Advocate (Criminal Side) is not able to inform the Court as to whether any such sanction is obtained or not. However, the aspect of obtaining or not obtaining sanction is not a matter for enquiry in this petition.

8. Admittedly, the learned District Munsif cum Judicial Magistrate cum Town Judge, Tirumayam has issued summon for appearance of the first petitioner on 23.07.2021. There is no apprehension of arrest present in this case. Taking all the aforesaid factors into



consideration and the fact that the learned District Munsif cum Judicial Magistrate, Thirumayam has issued only summon for the appearance of the petitioners, this Court is of the considered view that there is no necessity for filing this petition seeking anticipatory bail. The petitioners are directed to appear before the learned District Munsif cum Judicial Magistrate, Thirumayam on 23.07.2021 for facing trial. The learned Judicial Magistrate is directed to take bond from the petitioners under Section 88 of the Code of the Criminal Procedure for regular appearance.

9. In this view of the matter, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

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19/07/2021

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

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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 Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.9316 of 2021

Date : 19.07.2021

CN(22.07.2021) 5P 3C