



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9972 of 2021

S.Arun ... Petitioner/Accused No.8

Vs

The State Represented by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

(Crime No.581 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.Mahendran,
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.581 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 452, 294(b), 186, 224, 225, 285, 353, 506(ii), 149, 109 IPC and Section 3(1) of the Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.581 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused in this case formed un-lawful assembly on 14.07.2021, and trespassed into the respondent Police Station and challenged the Police stating that why they kept the accused Senthil in the Police Station. They also abused the Police in filthy language and demanded the release of said Senthil. Senthil told his supporters to commit suicide by setting fire and also set fire to Government vehicles and damage the Police Station. Then, some of his supporters followed the instructions of Senthil and stage-managed to commit suicide by



setting fire and damaged the properties worth about Rs.5,000/- and took the said Senthil from the custody of the Police. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. In fact, the petitioner's father is an Advocate and on receipt of information that his client is kept in the police station, he visited the Police Station for demanding grounds of his arrest. He was informed that a case was registered against his client and thereafter, he left the Police Station. Then, the Police had falsely implicated his son as an accused in this case. Later, the petitioner's father was taken by the Deputy Superintendent of Police and therefore, local Bar intervened and he was released. In this regard he also sent a representation to the Chairman, Bar Council of Tamil Nadu & Puducherry, Madras High Court Campus, Chennai. It is his submission that the petitioner was implicated in this case for the reason that his father is an Advocate and tried to help his client.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he submitted that the petitioner has no previous case pending against him.

5.Narration of facts in FIR show that general allegations made against all the accused and specific allegation made only against A1. There is no specific overt act alleged against the petitioner. Apart from that, it appears there was some issues between the father of the petitioner, who is an Advocate and the local Police. Taking note of all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

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

[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]**.

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

sd/-

27/07/2021

/ TRUE COPY /

/ /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 CHAIRMAN,
BAR COUNCIL OF TAMILNADU AND PUDUCHERRY,
MADRAS HIGH COURT CAMPUS, CHENNAI.
- 4.THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.K.MAHENDRAN, Advocate SR.No.4890 dated 28/07/2021.

ORDER

IN

CRL OP(MD) No.9972 of 2021

Date :27/07/2021

SS/VR/SAR-IV/02.08.2021 : 3P/7C