



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/07/2021

PRESENT

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**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD)No.10126 of 2021

1. Chellaiya,

2. Poomathi,

... Petitioners/Accused No.1 & 2

Vs

State Rep.by

The Inspector of Police,  
Peravurani Police Station,  
Thanjavur District  
(Crime No.586/2020).

... Respondent/Complainant

For Petitioner : M/s.Deenadhayalan S,  
Advocate.

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

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

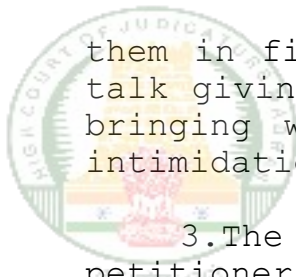
PRAYER :-

C-31 AB for Anticipatory Bail in Crime No.586 of 2020 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 294(b), 353 and 506(ii) IPC in Crime No.586 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant received an information that there is no water supply in Thoorangudi Anna Nagar Sarukkai Karai Street. Therefore, he along with his Assistant Umasankar and temporary Electricity staff Ashok visited the place at 05.15 pm., to repair the motor. When they visited, they found that the motor room was locked. When he asked who locked the room, the accused told them that they had only locked the room and they also informed that they are not supplied the water from morning and the defacto complainant came only now. So saying, they scolded



them in filthy language. When the defacto complainant told them to talk giving respect, they continued to scold in filthy language for bringing waste dump-yard near residential area and made criminal intimidation by showing iron pipe. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed and that the petitioners have one previous case pending against them.

5.At this juncture, the learned counsel for the petitioners submitted that previous case related to the digging of road by some other person and that person was imposed fine.

6.Narration of facts show that the incident had happened because of non-supply of water and closure of motor room by the petitioners. Considering the nature and cause of the incident, this Court is inclined to grant anticipatory bail to the petitioners.

7.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, Pattukkottai, 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders and the second petitioner shall report before the respondent police as and when required.

[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/-  
29/07/2021

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/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

GNS

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- THRO' THE CHIEF JUDICIAL MAGISTRATE  
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE  
PERAVURANI POLICE STATION,  
THANJAVUR DISTRICT
- 4 THE ADDL, PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.DEENADHAYALAN S Advocate SR.No.4960  
ORDER  
IN  
CRL OP(MD) No.10126 of 2021  
Date :29/07/2021

RT/VR/SAR.2/02.08.2021/3P/6C