



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.08.2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11415 of 2021

1.Prakash
2.Mathan
3.Senthil Vel

... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
Crime No.204 of 2021.

... Respondent/Complainant

For Petitioner : MR.M.S.JEYAKARTHIK, Advocate.
For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.204 of 2021 on the file of the Respondent Police.

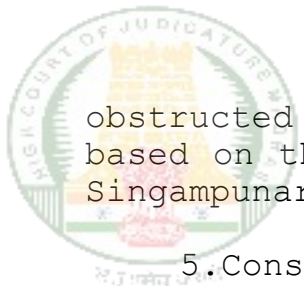
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b) and 353 IPC in Crime No.204 of 2021, seek anticipatory bail.

2.The case of the prosecution is that while performing bhoomi booja for construction of a primary health centre, the petitioners and 20 unnamed accused have abused the revenue authorities and obstructed them from performing their duty. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and they have been falsely implicated in this case. He further submitted that already one primary health centre is existing in their village and it is in worst condition. Instead of renovating the same, the authorities proposed to construct primary health centre in another village and therefore, the petitioners raised objections for the same.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have illegally



obstructed the government officials from performing their duty and based on the complaint given by the Village Administrative Officer, Singampunari, the present case registered.

5.Considering the nature of allegation levelled against the petitioners and also considering the fact that no one injured in the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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, Singampunari, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 the 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/-
24/08/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
SINGAMPUNARI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SINGAMPUNARI POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.M.S.JEYAKARTHIK, Advocate (SR-5635[I] dated 24/08/2021)

ORDER
IN
CRL OP(MD) No.11415 of 2021
Date :24/08/2021

GNS
MK/JC/SAR.IV/03.09.2021/3P/6C