



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11886 of 2021

Shanmugasundram

... Petitioner/Accused No. Not known

Vs

State Rep by
The Inspector of Police
Madukkur Police Station
Thanjavur District
Crime No.581 of 2021

... Respondent/Complainant

For Petitioner : Mr.Mahendran K,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (CriminalSide)

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

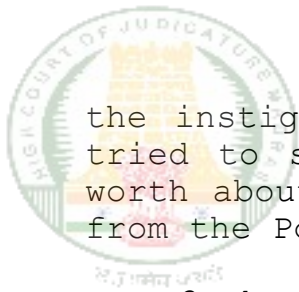
PRAYER :-

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/accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 452, 294(b), 186, 224, 225, 285, 353, 506(ii), 149 and 109 I.P.C and Section 3(1) of the Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.581 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.07.2021 at about 3.30 p.m, the accused persons and this petitioner went to the police station and threatened the respondent police to release one Senthil. At



the instigation of the said Senthil, the named persons in the FIR tried to set fire on the parked vehicle and destroyed the window worth about Rs.5,000/- and forcibly have taken out the said Senthil from the Police Station. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is a practicing Advocate, the President of the Pattukkottai Bar Association and the Former Additional Public Prosecutor, Pattukottai Court, Thanjavur District. On 14.07.2021, the petitioner received information that his client one Senthil has been arrested by the respondent police. The petitioner went to the Police Station, asked the case details regarding the custody of the said Senthil. But the respondent refused to furnish the particulars regarding the case against his client, therefore, without insisting for his release, the petitioner returned from the Police Station. After some time, the Deputy Superintendent of Police came to the petitioner's house, pulled him forcibly, snatched his mobile phone and he was taken to various police stations and insisted to hand over the said Senthil. In the meantime, the news spread among the Advocate members and at their insistence, the petitioner was released at about 11.00 p.m. Thereafter, the petitioner sent a petition to the Chairman, Bar Council of Tamil Nadu regarding the ill treatment and the torture made by the respondent police. That part, he sent a separate complaint to the Chairman of Human Rights Commission, Chennai and therefore, this petitioner has been shown as an accused in this case. There was an allegation as against the accused persons that they have ransacked the police station. However, considering the period of incarceration, the co-accused were released on bail by this Court with a condition to report before the respondent police and some of the accused were granted anticipatory bail with a condition to stay away from the place of occurrence and report before the respondent police. The petitioner's name has been added as an accused only after a period of 30 days from the date of occurrence. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the investigation in this case is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that there is no specific overt act as against this petitioner and also the fact that the co-accused were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this

services, courts, law, house, the learned Judicial Magistrate, Pattukkottai, 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 learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with the 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]***; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

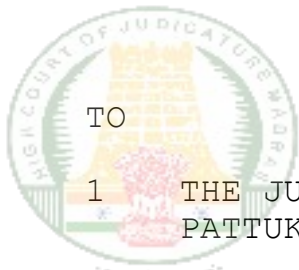
sd/-
31/08/2021

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

MSA

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,
PATTUKKOTTAI.

2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-5800[I] dated 31/08/2021)

ORDER

IN

CRL OP(MD) No.11886 of 2021

Date :31/08/2021

PKP/JM/SAR-3/20.09.2021/4P/6C