



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12895 of 2021

1.Irulandi
2.Kannan
3.Kennady @ Kennadymurugan
4.Murugavel
5.Alagu @ Alagu Thirunavukarasu
6.Ramamoorthi @ Ramamoorthy ... Petitioners/Accused 1 to 6

Vs

The State rep.by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Crime No.453 of 2021 ... Respondent/Complainant

For Petitioners : Mr.G.VISHNURAM
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.453 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 341, 294(b) and 506(ii) IPC, in Crime No.453 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are belonging to different political parties. While the de-facto complainant displayed some advertisement boards during the Devar Guru Poojai, the petitioners have prevented the de-facto complainant and abused him in filthy language. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent submits that apart from this case, the first petitioner has involved in four previous cases, petitioners 2 and 5 have involved in one previous case and no previous case is pending against the petitioners 3, 4 and 6.

5.Considering the bad antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed as against the first petitioner.

6.Considering the facts and circumstances of the case, the nature of allegation made against the petitioners 2 to 6 and also the fact that all these previous cases were registered under politically motivated complaints, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6 with certain conditions.

7.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 to 6 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram District, on condition that the petitioners 2 to 6 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 2 to 6 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 petitioners 2 to 6 shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners 2 to 6 shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 2 to 6 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 2 to 6 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/09/2021

/ TRUE COPY /

/ /2021

WEB COPY

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
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12895 of 2021
Date :08/09/2021

SA/VR/SAR.1/23.09.2021/3P/5C