



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16515 of 2021

1. Neethi Thevan @ Needhidevan
2. Kalidass @ Kalidoss ... Petitioners/Accused Nos.1&2

Vs

The State rep.by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District
Cr.No.354 of 2019. ... Respondent/Complainant

For Petitioner : Mr.C.SENTHIL MURUGAN,
Advocate.
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

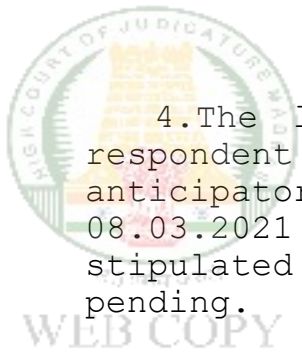
For Anticipatory Bail in Crime No.354 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 353 of IPC, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein abused the police personnel with filthy languages and restrained from discharged their official duty. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and have not committed any offence as alleged by the prosecution. He further submitted that this Court has already considered the case of the petitioners and granted anticipatory bail to them, vide order dated 08.03.2021, made in Crl.OP(MD)No.3444 of 2021, with certain conditions. But, the petitioners could not arrange sureties due to pandemic situation and therefore, they have moved this second anticipatory bail application.



4.The learned Government Advocate(Crl.Side) appearing for the respondent admitted that the petitioners have already been granted anticipatory bail by this Court, in Crl.OP(MD)No.3444 of 2021, dated 08.03.2021 and that they have not complied with the conditions stipulated therein. He further submitted that the investigation is pending.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that the petitioners have already been granted anticipatory bail by this Court and their failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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 No.II, Ramanathapuram 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 to 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 petitioners shall report before the respondent police as and when required for interrogation.

(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]; and;

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

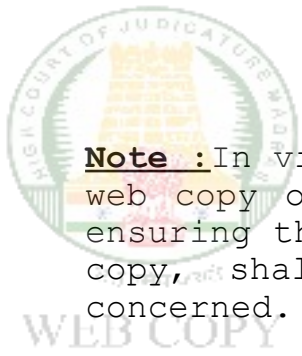
sd/-

28/10/2021

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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 NO.II
RAMANATHAPURAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16515 of 2021
Date :28/10/2021

SA/VR/SAR.1/08.11.2021/3P/5C