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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17307 of 2021

1. Indhirajith
2. Madhavan
3. Mani @ Manikandan
4. Kannan @ Kamala Kannan
5. Mookan
6. Tharmar
7. Sundarapandi
8. Elumalai
9. Rajankam

... Petitioners/Accused
Rank Not Known

Vs

The State rep by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Cr.No. 147 of 2021.

... Respondent/Complainant

For Petitioners : MR.Muniyandi.S,
Advocate.

For Respondent : MR.P.Kottai Chamy,
Government Advocate (Crl.Side)

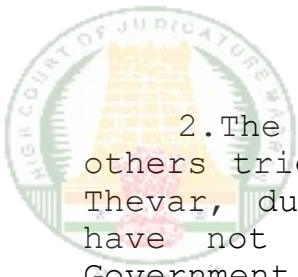
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.147 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 143,
294(b), 332, 505(i)(b), 353, 506(i) IPC, in Crime No. 147 of 2021,
seek anticipatory bail.



2.The case of the prosecution is that the petitioners and others tried to garland the leader, namely, Pasumpon Muthuramalinga Thevar, during Covid-19 Pandemic period and that the petitioners have not obeyed the Pandemic Rules issued by the Tamil Nadu Government. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that they have attended the Devar Jeyanthi Vizha and while travelling through vehicle bearing Registration No.TN 27 Q 8334 an accident was occurred. Subsequent to the accident, there arose wordy quarrel between the defacto complainant and the petitioners/ accused. He would also submit that the petitioners are not having any previous case.

4.The learned Government Advocate(Crl.Side) would submit the petitioners have violated the Pandemic Rules issued by the Tamil Nadu Government and they created problem.

5.Considering the facts that no one was injured in the incident, that except the offence under Sections 506(i), 353 and 332 IPC, all other offences are bailable in nature and that the petitioners are not having any previous case for similar or serious offence as stated by the learned Government Advocate (Crl.Side),this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Kamuthi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall stay at Madurai and report before the Thallakulam Police Station daily at 06.30 pm for a period of one month and thereafter, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
09/11/2021

/ TRUE COPY /

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

das

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

COPY TO

THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION
MADURAI.

+1 CC to M/S.S.MUNIYANDI, Advocate (SR-7916[I] dated 09/11/2021)

ORDER
IN
CRL OP (MD) No.17307 of 2021
Date : 09/11/2021