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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 16/11/2021

PRONOUNCED ON: 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . No.17308 of 2021

P.Senthil Kumar

... Petitioner/Accused

Vs

State through the
The Inspector of Police,
Kamuthi Police Station,
Kamuthi,
Ramanathapuram District.
(Crime No.728 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Neelamegam K, Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

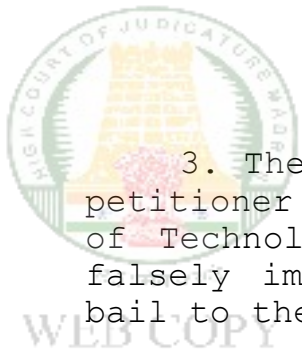
PRAYER :-

For Anticipatory Bail in Crime No.728 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 353, 506(ii) I.P.C., and Section 3(1) of TNPPDL Act in Cr.No.728 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 30.10.2021, at the time of celebrating Devar Jayanthi, the accused persons blocked the vehicle belonging to the Government and used filthy language against the officials and restrained them to perform their official duty. Hence, the present complaint.



3. The learned Counsel for the petitioner would submit that the petitioner is working as an Assistant Professor at Sethu Institute of Technology, Kariapatti, Virudhunagar District and he has been falsely implicated in this case and hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the accused had assembled unlawfully and blocked the vehicle of Tahsildar and that they had climbed atop the Tahsildar's vehicle, danced on the roof of the vehicle and caused damaged to the said vehicle.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State and perused the materials placed on record.

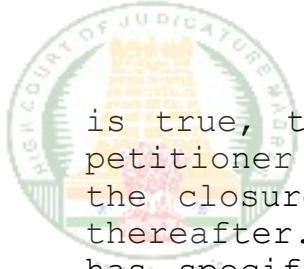
6. When the matter was taken up for hearing on 09.11.2021, the learned Counsel appearing for the petitioner would submit that the petitioner is working as an Assistant Professor in the Department of Civil Engineering at Sethu Institute of Technology, Kariapatti, Virudhunagar District, that though the petitioner was present at rally commencing point, he has no connection whatsoever with the alleged occurrence and that he had attended his college on that day. The learned Counsel has also produced a xerox copy of the attendance register for the month of October 2021, relating to the Sethu Institute of Technology and pointed out that the petitioner had attended the college on 30.10.2021.

7. In view of the above submission, at the instance of the learned Government Advocate (Crl.Side) appearing for the State, for getting instructions, the matter has been adjourned to 11.11.2021.

8. When the mater was taken up on 11.11.2021, the learned Government Advocate (Crl.Side) has filed a reply submitted by the Principal, Sethu Institute of Technology, Pulloor, Kariapatti Taluk, Virudhunagar District, in response to the summons issued by the respondent police, where under it has been specifically stated that the petitioner, who is working as an Assistant Professor in Civil Engineering Department, had absented from duty on 29.10.2021 and 30.10.2021 and they have also furnished the copy of the attendance register for the month of October 2021, whereunder, it is clearly evident that they have marked absence on 29.10.2021 and 30.10.2021 for the petitioner.

9. After the submission of the above reply, the learned Counsel for the petitioner would submit that the biometric attendance is available till 11.30 a.m., but the petitioner had reached the college at 11.30a.m., and also attended the college.

10. As rightly pointed out by the learned Government Advocate (Crl.Side), if the version of the learned Counsel for the petitioner



is true, then the Principal should have mentioned that though the petitioner had no biometric attendance, he came to the college after the closure of biometric attendance and he was permitted to work thereafter. But as rightly pointed out in the reply, the Principal has specifically stated that the petitioner had not turned up on those two days to the college.

11. At the beginning, the learned Counsel for the petitioner has sought for anticipatory bail, mainly on the ground that the petitioner is working as an Assistant Professor. But, as already pointed out, he has come out with the false case of attending the college on the particular date and also produced the copy of the attendance register allegedly containing false entries.

12. Moreover, it is the specific case of the prosecution that the petitioner had attended the rally and also was very much involved in the alleged occurrence. Being a college Professor, he must stand as an example for others, more particularly to the students. But here is a case, where the Professor himself had allegedly involved in the blocking of Tahsildar's vehicle and causing damage to the Government vehicle.

13. It is also the specific case of the prosecution that the petitioner and others had assembled unlawfully, blocked the vehicle, climbed atop the vehicle, danced on it and also caused damages to the Government vehicle.

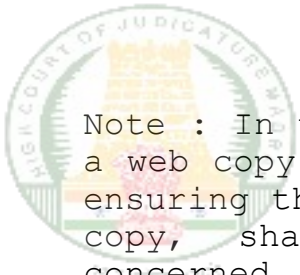
14. Considering the seriousness and gravity of the offences alleged and also taking note of the fact that the petitioner has come out with false case of attending the college on the particular day, and the production of the alleged forged attendance register before this Court, this Court is not inclined to grant anticipatory bail to the petitioner.

15. In the result, this Criminal Original Petition is dismissed.

Sd/-
22/11/2021

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/ /2021
Sub-Assistant Registrar (C.S.II)
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.

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TO

1. The Inspector of Police,
Kamuthi Police Station,
Kamuthi,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP (MD) No.17308 of 2021

Date :22/11/2021

SP/JC/SAR II/25/11/2021/4P/3C