



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17716 of 2021

WEB COPY

1. Ananthan
2. Arumugam
3. G.Balasubramanian
4. Sankar ... Petitioners/Accused 1 to 4

Vs

The State Rep.by
The Sub Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.

Cr.No. 667 of 2021. ... Respondent/Complainant

For Petitioners: M/s.Sivaraman D,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.667 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323 and 506(1) of IPC, in Crime No.667 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner was working as conductor in Aranthangi-Pudukkottai route in a bus bearing Registration No.TN-955-N-1028 and when the son of the defacto complainant showing the free students bus pass, he did not accept the same and insisted him to take ticket. But, he has refused to take ticket. Hence, the first petitioner stopped the bus and pushed him out of the bus. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant is a previous employee of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Pudukkottai Region and his dismissal was confirmed by this Court, in WP.No.14193 of 2021, dated 01.08.2021, on the ground of misappropriation of funds while he was working as conductor. Since the order that has been passed by the General Manager, Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Pudukkottai Region, the defacto complainant lodged a complainant as if while his son was travelling in the Tamil Nadu Transport Corporation Bus, he was pushed down by the first petitioner. He would further submit that the son of the defacto complainant has travelled in a express-bus, and bus pass cannot be accepted to travel in the said bus. Further, since the son of the defacto complainant was not having any money to take the ticket, the first petitioner himself paid the amount and gave the ticket to him. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the no previous case is pending against the petitioners.

5.Considering the fact and circumstance of the case and also considering the fact that no one was injured in this case, that no previous case is pending against the petitioners and that except the offence under Section 506(ii) IPC., other offences are bailable in nature, 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 their 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.I, Pudukkottai, 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 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 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/-

15/11/2021

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

DSS

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 Learned Judicial Magistrate No.I,
Pudukkottai.
- 2.Do-Through The Chief Judicial Magistrate,
Pudukkottai District.
- 3.The Sub Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-8195[I] dated 17/11/2021)

ORDER

IN

CRL OP(MD) No.17716 of 2021

Date :15/11/2021

RD/JM/SAR-IV(19.11.2021) 3P 6C