



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 24/11/2021

PRONOUNCED ON : 29/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.17434 and 17892 of 2021

Balu @ Balaiya

... Petitioner/Rank Not Known
in Crl.O.P.(MD)No.17434 of 2021

.. Petitioner/Accused No.11
in Crl.O.P.(MD)No.17892 of 2021

Vs

Th State rep by
The Inspector of Police,
Thottiyam Police Station, Thottiyam,
Trichy District
(Crime No. 352 of 2021
in Crl.O.P.(MD)No.17434 of 2021 and
Crime NO.326 of 2021
in Crl.O.P.(MD)No.17892 of 2021)

... Respondent/Complainant
in both Crl.O.Ps

In both petitions:

For Petitioner : Mr.Arunraj.K,
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos. 352 and 326 of 2021 on
the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections
147, 148, 294(b), 153, 153(A) and 506(ii) I.P.C., in Cr.No.352 of
2021 and for the offences under Sections 147, 148, 294(b), 353, 309
and 506(ii) I.P.C., in Cr.No.326 of 2021 seeks anticipatory bail.



2. The case of the prosecution in CrI.O.P.(MD)No.17434 of 2021 is that the Village Administrative Officer of Appananallur Village lodged a complaint by stating that on 04.11.2021 the petitioner and other accused had unlawfully assembled with wooden log and abused with filthy language and promoting enmity between the other community. Hence, the present complaint in Cr.No.352 of 2021.

3. The case of the prosecution in CrI.O.P.(MD)No.17892 of 2021 is the the Village Administrative Officer lodged a complaint by stating that on 18.10.2021, the petitioner and other accused persons unlawfully assembled and abused with filthy language and quarrelled with the Revenue Officials. Hence, the present complaint Cr.No.326 of 2021

4. The learned Counsel for the petitioner would submit that the petitioner is innocent and he is in no way connected with the alleged occurrence and due to previous enmity between two communities, a false case has been foisted against him and hence, he seeks anticipatory bail to the petitioner.

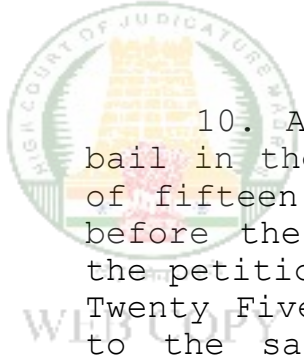
5. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that due to a communal clash between two groups, both groups assembled with wooden log unlawfully and abused with filthy language and promoting enmity between the other community. He would further submit that the investigation in this case is not yet completed.

6. Heard the learned Counsel for the petitioners and the learned Government Advocate (CrI.Side) appearing for the respondent and perused the materials placed on record.

7. It is evident from the records that for the occurrences held on 04.11.2021, the present case in Cr.No.352 of 2021 and some other cases including Cr.No.326 2021 came to be registered. It is pertinent to mention that the alleged offences are not against the private individuals, but against the Revenue Officials. The petitioner and others had allegedly assembled with wooden log unlawfully and thereafter, they had abused the officials. Such incidents cannot be viewed lightly.

8. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner is not having any previous cases for similar offences and for any other serious offences.

9. Considering the facts and circumstances and considering the fact that the petitioner is not having any previous cases as stated by the learned Government Advocate(CrI.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



10. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** for each case to the credit of Government of Tamil Nadu, Chief Minister Public Relief Fund (CMPRF) in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(b) the petitioner 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;

(c) the petitioner shall report before the Airport Police Station, Trichy daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

Sd/-
29/11/2021

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/ /2021

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

COPY TO :

1. THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND
GOVERNMENT OF TAMIL NADU, SECRETARIAT BRANCH,
CHENNAI-9.
2. THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION, TRICHY.

+2 CC to M/s.K.ARUNRAJ, Advocate (SR-8638,8639[I] dated 30/11/2021)

ORDER
IN
CRL OP(MD) Nos.17434 and 17892 of 2021
Date : 29/11/2021

VB/JM/SAR-II/02.12.2021/4P/9C