



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17799 of 2021

1. Sivakumar
2. Mayavan Muthusamy
3. Bala Krishnan
4. Vetrivel

... Petitioners/Accused
Nos.1 to 4

Vs

State rep.by
The Inspector of Police,
Thattar Madam Police Station,
Thoothukudi District.
(Crime No.157 of 2021).

... Respondent/Complainant

For Petitioners: M/s.M.S.Jeyakarthick, Advocate.

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

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

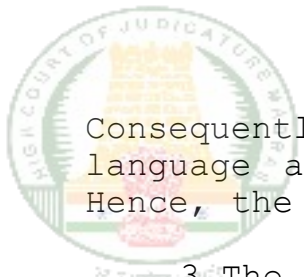
PRAYER :-

For Anticipatory Bail in Crime No.157 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 294(b), 353 r/w 109 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.157 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant is working as a Junior Engineer in TNEB and on 07.10.2021, she along with other officials tried to erect the electric poles in the village land, but the accused persons objected the said act by stating that they are in the possession of the above land.



Consequently, they abused the *defacto* complainant with filthy language and deterred them from discharging their official duty. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. On the date of occurrence, the petitioners had raised their objection to the above EB officials and they also lodged complaint against the *defacto* complainant, but the respondent police refused to receive the same. He would also submit that the petitioners are not having any previous case and no one was injured in the incident.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners had deterred the officials from discharging their official duty and investigation is not yet completed. He would further submit that no one was injured in the occurrence and petitioners are not having any previous case.

5. Considering the nature of charges levelled against the petitioners and also the facts that no one was injured in the incident and that the petitioners are not having any previous case of similar or serious offence, 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, Sathankulam, 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 daily at 10.30 am 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/-
16/11/2021

/ TRUE COPY /

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

PNM

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

+1. CC to M/S.JEYAKARTHICK.M.S. Advocate SR.No.8162

ORDER
IN
CRL OP(MD) No.17799 of 2021
Date :16/11/2021