



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.5324 of 2022

S.MURUGESAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALANTHURAI POLICE STATION,
COIMBATORE,
COIMBATORE DISTRICT.
CRIME NO.18/2022

[RESPONDENT]

For Petitioner : M/S. N.MANIKANDAN Advocate

For Respondent : M/S.LEONARD ARUL JOSEPH SELVAM,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 353, 448 & 506(i) of I.P.C, in Crime No.18 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.01.2022, the petitioner and other accused trespassed into the Pooluvapatti Town Panchayat Office and without getting prior permission, they fixed the framed photograph of the Hon'ble Prime Minister. Hence, the present case has been registered by the Law Enforcing Agency for the above said crime.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused in this case has already been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the offence committed by the petitioner is serious one. According to him, if the anticipatory bail is granted to this type of offence, he may again commit the same type of offence.

5. The submissions made by the learned counsel appearing on either side are considered. Even after knowing the fact that the earlier anticipatory bail petition filed by the petitioner was dismissed on 11.02.2022, the respondent police has not secured the accused. On the other hand, considering the nature offence committed by the petitioner, this Court is of the opinion that custodial interrogation may not be necessary for completing the investigation.

6. Hence, taking note of all the above said aspects into consideration and also the fact that the alleged offence was committed by the petitioner in a drunken mood, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Coimbatore 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;



(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 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;

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

-sd/-

22/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.V, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALANTHURAI POLICE STATION,
COIMBATORE, COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. N.MANIKANDAN Advocate on payment of necessary charges SR.NO. 4347

CRL OP.5324/2022

Date :22/03/2022

RW 25/03/2022