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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.563 of 2022

C.Murugan @ Vannai Murugan

... Petitioner/3rd Accused

Vs.

State rep.by
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
(Crime No.150 of 2018).

... Respondent/Complainant

For Petitioner : M/s.P.Raj Kumar, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory bail in Crime No.150 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 283, 294(b), 353 and 506(ii) IPC, in Crime No.150 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were in possession of dangerous weapons and came in two wheelers and four wheelers, obstructing the public and when the same was questioned by the police, they abused the police in filthy language and prevented them to do their official duty. Hence, the



3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the FIR was registered in the year 2018 itself and they have not filed charge sheet so far.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit the petitioner and the other accused caused public nuisance and prevented the Police official to do their duty. He would further submit that the investigation is completed and charge sheet is yet to be filed.

5. Considering the nature of the offence alleged against the petitioner and also the facts that except the offence under Section 506(ii) IPC, other offences are bailable in nature, that no one was injured in this case and also the fact that the investigation is completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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. IV, Tirunelveli, 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 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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.

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Sd/-
16/02/2022

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

DAS

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 NO.IV,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.563 of 2022
Date :16/02/2022