



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

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.8690 of 2022

Alageswarn @ Alageeswaran

... Petitioner / Accused No.20

Vs

The State rep.by,
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.75 of 2022)

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor.

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

PRAYER :-For Anticipatory Bail in Crime No.75 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 332, 323, 324, 342, 379, 307, 506(ii) of IPC and Section 3 of TNPPDL Act in Crime No.75 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there existed a dispute between two groups for conducting temple festival of Muthalamman Kovil. Two groups have lodged complaints before the respondent police. and on 11.04.2022, the accused persons said to have thrown bottles on the police party. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The petitioner is an employee of the Tamil Nadu Electricity Board. Based on the false information, the above case was foisted against the petitioner and hence he seeks anticipatory



4.The learned Additional Public Prosecutor would submit that there was a communal clash between two groups.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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.II, Usilampatti, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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) 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 a.m for a period of two weeks, thereafter, as and when required;

(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.

sd/-

11/05/2022

/ TRUE COPY /

16/05/2022

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 NO.II,
USILAMPATTI, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.C.EZHILARASU, Advocate (SR-4662[I] dated 12/05/2022)

ORDER
IN
CRL OP(MD) No.8690 of 2022
Date :11/05/2022

pnn / sn
MK/SVR/SAR.II/16.05.2022/3P/6C