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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.15570 of 2022

1. Durai Pandi
2. Ajithkumar

... Petitioners/Accused No.2 & 3

Vs

State rep.by
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.215 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Mohan A, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.215 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 353 and 506(i) of IPC, in Crime No.215 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Tahsildar. When the defacto complainant went to the stone quarry for inspection, the accused persons had prevented the revenue officials from discharging their official duty by recording video and also threatened them with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that there is an enmity between the owner of the quarry and the Tahsildar, due to which, a false case has been registered against the employee of the quarry. The petitioners are not working under the said quarry. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, the petitioners may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the first accused was already arrested and thereafter, released on bail. The allegations against the petitioners is that they had prevented the revenue officials from discharging their official duty by recording video. He would further submit that the first petitioner is having three previous cases and the second petitioner is having one previous case and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and Considering the nature of the charges levelled against the petitioners and also the fact that co-accused was already released on bail, 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, Thirumayam, on condition that the petitioners 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 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 a.m., until further orders.

(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 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;



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

Sd/-
28/09/2022

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/10/2022

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

CP

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

+1. CC to M/S.MOHAN A Advocate SR.No.10706

ORDER
IN
CRL OP(MD) No.15570 of 2022
Date :28/09/2022