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CRL OP(MD). N



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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.16838 of 2022

Palanisamy,
(*) S/o.Muthusamy

... Petitioner/ (**) Accused No.1

(*) (The name of the petitioner's father is amended as per order of this Court dated 28.09.2022 in Crl.MP (MD)11711/2022 in Crl.OP(MD). 16838/2022)

(**) (The Accused rank is amended as per order of this Court dated 28.09.2022 in Crl.OP(MD).16838/2022)

Vs

State Rep.by
The Inspector of Police,
Kattupthur Police Station,
Trichy District.
(Crime No.181 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Rajini.A, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

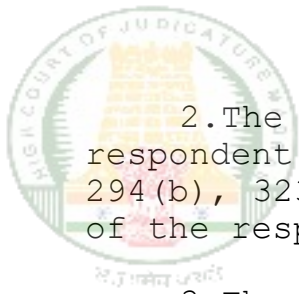
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.181 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

When the matter is taken up for hearing, the learned Government Advocate(Crl.side) submitted that the petitioner is the first accused and it has been wrongly mentioned in the cause title portion as fifth accused. Hence, the Registry is directed to carry out the necessary amendment in the cause title.



2.The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 353 and 506(i) IPC, in Crime No.181 of 2022 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that there is a customary practice in the Village to take the Chariot of the Pathrakaliamman temple for the festival through the agricultural field. There existed some dispute with regard to take the chariot into the field of private lands. On the date of occurrence, the petitioners have forcibly taken the chariot into the field. When the same was questioned by the officials, at that time, they attacked the officials, scolded them with filthy language and threatened him with dire consequences. Hence the complaint.

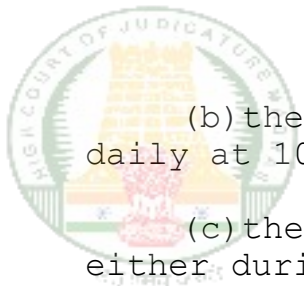
4.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that this Court has already granted anticipatory bail to the co-accused and the petitioner shall abide any condition imposed by this Court.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is the first accused. When the petitioners attempted to violate the order of this Court, the officials prevented them and at that time, the alleged occurrence had taken place. He would further submit that no previous case is pending against the petitioner and investigation is still pending.

6.Considering the above facts and circumstances and also the facts that the petitioner is not having any previous cases and except the offence under Section 506(i) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 conditions 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 daily at 10.30 am until further orders.

(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/-

28/09/2022

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/10/2022

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

ORDER

IN

CRL OP(MD) No.16838 of 2022

Date : 28/09/2022

CP

RS/VR/SAR. (10.10.2022) 3P-5C

<https://www.mhc.tn.gov.in/judis>