



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16413 of 2022

Sekar ... Petitioner/Sole Accused
Vs

The State rep.by,
The Sub Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No. 362 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jenifar Bibin.R, 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. 362 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 290, 353 and 506(i) IPC, in Crime No.362 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.09.2022, during the procession and immersion of Vinayagar idols, the petitioner abused the police officials, who were discharging their duties at that time, thereby caused nuisance to the public. Hence, the complaint

3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. In this case, no one got injured and no previous case is pending against the petitioner. Hence, prayed to release the petitioner on anticipatory bail.

4.On the side of prosecution, it is stated that the no one sustained injury in the incident. The petitioner caused public nuisance in the procession. Hence, prayed to dismiss the petition. However, the petitioner is not having any bad antecedent.



5. Considering the nature of the offence, that no one injured in the occurrence and that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

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6. 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, Thirumangalam, 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 police daily at 10.30 am for a period of two weeks 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-
13/09/2022

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/09/2022

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

pnm

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TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JENIFAR BIBIN.R Advocate SR.No.44942

ORDER

IN

CRL OP(MD) No.16413 of 2022

Date :13/09/2022

RK/SVR/SAR-1 (16/09/2022) 3P/6C