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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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

CRL OP (MD) . No.18177 of 2022

1. Chelladurai
2. Tamilselvan
3. Arulandhu @ Arulanandh
4. John Peter
5. Steebhan @ Steephan
6. Jeya
7. Kalimuthan

... Petitioners/Accused 1 to 7

Vs

State rep.by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime No.90/2022).

... Respondent/Complainant

For Petitioners : M/s.Ramesh P, Advocate.

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

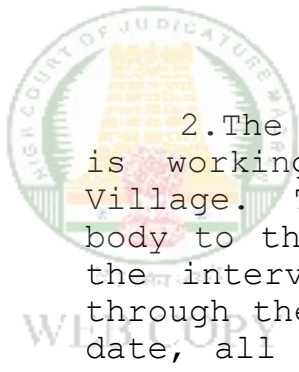
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.90/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 353 and 506(2) IPC, in Crime No.90 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant is working as a Village Administrative Officer of Alavidangan Village. Two years back, there was a problem in taking of the dead body to the burial ground through the house of one Muthupillai. At the intervention of the Revenue Authorities, the body was taken through the middle street. That is a government public pathway. Till date, all the dead bodies were taken through the above said public pathway. In such circumstance, on 30.09.2022, at about 02.30 p.m, the petitioners have tried to take the dead body of one Rajamani through the house of the the above said Muthupillai. When the same was prevented by the defacto complainant, the petitioners said to have abused the defacto complainant in filthy language and threatened him with dire consequences and prevented him from discharging his duty. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and due to previous enmity, false complaint was foisted against the petitioners. Only there was a wordy quarrel between the petitioners and the defacto complainant and all the petitioners are family members. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that already there was a issue with regard to taking of the dead body through the house of the above said Muthupillai and a direction was also issued by the Revenue Authorities. Till date, all the Villagers are following the same. But, the petitioners herein have violated the same and prevented the defacto complainant from discharging his duty. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that only there was a wordy quarrel between the parties and no one sustained injury, 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 their 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 Court, Ilayangudi, Sivagangai District, 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 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 am 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/-

13/10/2022

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/10/2022

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

DSS

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

ORDER

IN

CRL OP(MD) No.18177 of 2022

Date :13/10/2022