



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2022

PRESENT:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD).No.20584 of 2021

Dr.P.Saravanan

... Petitioner

Versus

The State rep. by its,  
The Inspector of Police,  
Ramnad Town Police Station,  
Ramnad District.  
Crime No.290 of 2021

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, praying for a direction directing the petitioner to be released on bail in the event of his arrest in connection with Crime No.290 of 2021 on the file of the respondent police.

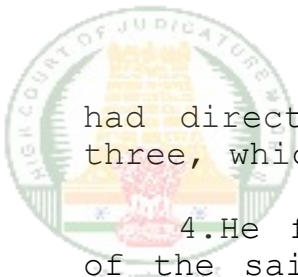
|                |   |                                                 |
|----------------|---|-------------------------------------------------|
| For Petitioner | : | M/S.M.Jegadeesh Pandian,<br>Advocate            |
| For Respondent | : | Mr.E.Raj Thilak<br>Additional Public Prosecutor |

**O R D E R**

This Criminal Original Petition is filed seeking a direction to direct the petitioner to be released on bail in the event of his arrest in connection with Crime No.290 of 2021 on the file of the respondent police.

2.The petitioner is arrayed as A2 in Crime No.290 of 2021 for offences under Section 143, 341, 353, 269, 270 and 188 IPC has filed the above said anticipatory bail petition.

3.The contention of the petitioner is that a false motivated case has been registered against the petitioner. The petitioner being a member of a political party and also a District President of national political party has been falsely implicated in the above case. When the petitioner along with the relatives of one deceased Manikandan, who have raised some objections with regard to the manner of the post mortem has been conducted. The said Manikandan died and a case in Crime No.258 of 2021 under Section 174(1) Cr.P.C. was registered. Thereafter, in a hurried manner the postmortem was conducted on the body of the said Manikandan. It is further submitted that the relatives of the said Manikandan filed a writ petition in W.P.(MD).No.21752 of 2021 before the Madurai Bench of this Court and the Madurai Bench of this Court by order 07.12.2021,



had directed to conduct re-postmortem by a panel of Doctors of three, which was not followed in the letter and spirit.

4.He further submitted that the apprehension of the relatives of the said Manikandan were in a agitated mood due to the sudden death of Manikandam and they were raising objections. The petitioner being a political party leader and a Doctor by profession, who is also a former Member of Legislative Assembly (MLA) expressed solidarity. The petitioner is implicated in the above case projecting as though the petitioner, obstructed the public servants from discharging their official duty.

5.He further, submits that the defacto complainant is the Village Administrative Officer (VAO). According to the complaint, the Village Administrative Officer was in her office at that time, she received a message that there was a commotion near the mortuary of Government Medical College Hospital, Ramanathapuram. Hence, she visited there and lodged a complaint against the petitioner and others. The petitioner is a permanent resident, residing with his family having deep social roots and shall abide by any condition and co-operate with the investigation and prayed for anticipatory bail.

6.Mr.E.Raj Thilak, learned Additional Public Prosecutor produced the FIR as well as the counter affidavit filed by the respondent police. From the counter, it is seen that the Village Administrative Officer of Ramanathapuram, when she was in her office, received message about commotion, when second postmortem was to be carried out. The petitioner along with others formed into a unlawful assembly, raised explosive slogans leading to communal disharmony. To curtail the same, the VAO as well as the respondent police instructed the petitioner and other protesters, not to create nuisance and lawlessness. They refused to do so. Hence, the case registered.

7.Considering the submissions and on perusal of the materials, this Court finds that it was the apprehension of the Village Administrative officer that the explosive situation will arise due to the petitioner and family members of Manikandan raising objections, for the manner in which second postmortem to be conducted on Manikandan body. Earlier, it was reported that the said Manikandan died on a suspicious manner and a case in Crime No.258 of 2021 was registered under Section 174(1) Cr.P.C., postmortem was conducted in a haste, objecting the same, the relatives of the said Manikandan filed a writ petition in W.P.(MD). No.21752 of 2021 before the Madurai Bench of this Court, obtained an order for second postmortem, which cannot by itself termed as volatile and explosive situation. The relatives of the said Manikandan raised protest and objections. The petitioner shown solidarity with them, apart from the objections, nothing happened, due to untimely and suspicious death of Manikandan. The relatives



8.The learned Additional Public Prosecutor submits that now the situation returned to normalcy.

9.In view of the same, this Court grants Anticipatory Bail to the petitioner.

10.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned **Judicial Magistrate No.I, Ramnad** on condition that the petitioner shall execute a bond for sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties for a like sum each to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, within a period of 15 days, from the date of receipt of a copy of this order or within a period of 15 days from the date of the commencement of normal functioning of the Court, failing which, the petition for anticipatory bail shall stand dismissed 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 is directed to appear before the respondent police 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
10/01/2022

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/ /2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I,  
RAMNAD.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
RAMNAD TOWN POLICE STATION,  
RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP (MD) No.20584 of 2021  
Date :10/01/2022

USK/JM/SAR-IV/11.02.2022/4P/5C