



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.19360 of 2022

1.Nallavan@ Murugan,

2.Sathiyavathi, ... Petitioners/Accused A2 & A3

Vs

THE STATE REP.BY
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Cr.No.377/2022)

... Respondent/Complainant

For Petitioner : M/s. Aravind Raj.R.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 377/22 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 278, 294(b), 353 and 506(ii) of Indian Penal Code and Section 3 of Epidemic Diseases Act, 1897, in Crime No.377 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Regional Health Inspector. On 22.10.2022, on secret information, the defacto complainant along with other officials went to the spot, which belongs to the second accused and found that the accused persons throw the medicinal waste, which is noxious to health in the above said land. When the same was questioned by the defacto complainant, the accused persons said to have abused him in filthy language and prevent him from discharging his official duty. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that A1 was arrested and remanded to judicial custody and he is still in custody. A2 is the land owner. A3 is the lorry driver. No previous case is pending against the petitioners. But, however, the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that no bad antecedent is reported against the petitioners, 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, Alangulam, Tenkasi 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.

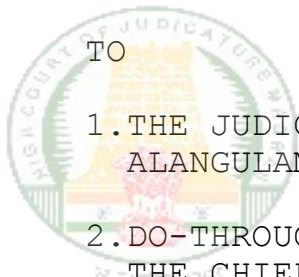
sd/-

02/11/2022

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



TO

1. THE JUDICIAL MAGISTRATE
ALANGULAM, TENKASI DISTRICT.

2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TENKASI
DISTRICT.

3. THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, TENKASI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECTUTOR,
MADURAI
BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. ARAVIND RAJ.R. Advocate SR.No.12422

ORDER

IN

CRL OP (MD) No.19360 of 2022

Date : 02/11/2022

MGJ/BUC/SAR2 (10.11.2022) 3P 6C

