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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

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

CRL OP(MD). No.20208 of 2022

1. Misa C Soman
2. Arasuraja @ Anburaja
3. Ramesh @ Ramesh Kumar
4. Murugan
5. Vinil Kumar
6. Satheesh @ Satheesh Kumar
7. Chandrasekar
8. Chellan

... Petitioners/Accused

Vs

The State rep.by,
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No.210/2022.

... Respondent/Complainant

For Petitioners : M/s.Karthikeyavenkitachalapthy,
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 Cr No.210/2022 on the file of the
respondent police.



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 294(b), 505(2), 504, 285 and 506(i) of IPC, in Crime No.210 of 2022, seek anticipatory bail.

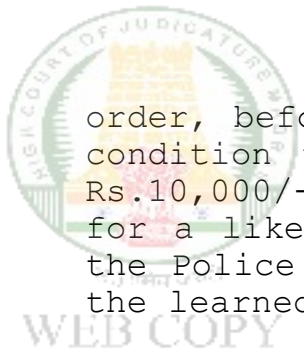
2.The case of the prosecution is that the petitioners and some other persons conducted a public demonstration against Mr.A.Raja, M.P belong to DMK political party by condemning his comments against Hindu Women. While the demonstration went on, the petitioners scolded by using filthy language against the leaders of DMK political party and further, they tried to create unrest less among the society and they set fire effigy of Mr.A.Raja, M.P. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners conducted a public demonstration to condemn the derogatory comments made by Mr.A.Raja, M.P belong to DMK political party. Further, the persons raised the slogans against the persons, who are disrespect the Hindu Gods. Having vengeance against the demonstration conducted by the petitioners, the defacto complainant being a office bearer of the ruling political party in Tamil Nadu lodged a complaint with false allegations against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate(crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that while conducting demonstration, the petitioners and other accused scolded the leaders of DMK political party by using filthy language and further, they tried to create unrest less among the society. He would further submit that totally 60 accused involved in this case and the petitioners are arrayed as A1 to A8. The petitioners are having some previous cases and the investigation in this case has been completed and the charge sheet has also been filed before the concerned Court.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that investigation in this case has been completed and the charge sheet has also been filed before the concerned Court, this Court is inclined to grant bail to the petitioner.

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 No.I, Kuzhithur 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 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 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 petitioner shall appear before the respondent police daily at 10.30 a.m., 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/-

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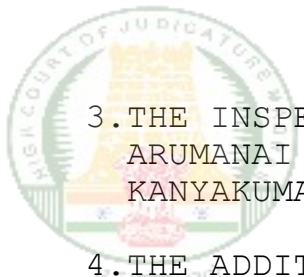
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.



3. THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.M..KARTHIKEYAVENKITACHALAPATHY, Advocate (SR-13046[I]
dated 15/11/2022)

ORDER

IN

CRL OP(MD) No.20208 of 2022

Date :15/11/2022

RK/VR/SAR- (24/11/2022) 4P/6C