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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD) . No.20615 of 2022

Thanasekaran @ Gnanasekaran

... Petitioner/Accused No.9

Vs

State rep.by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(Crime No.146 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan S, Advocate.

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

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

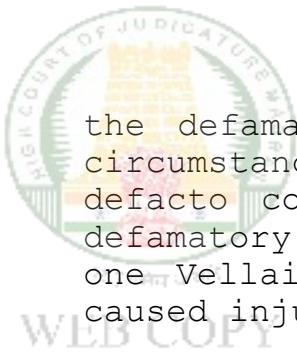
PRAYER :-

For Anticipatory Bail in Crime No.146 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.9, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 448, 323, and 506(1) IPC, 1980, in Cr.No.146 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Village President of Moovaraivendran Village. The petitioners have made a construction along with the panchayat building and also having tea shop in the Government Puramboke Land. When the same was questioned by the defacto complainant, there was wordy quarrel between the parties. Due to that motive, the petitioners uploaded



the defamatory sentence against the defacto complainant. In such circumstances, on 29.10.2022, at about 07.30 p.m, the son of the defacto complainant enquired the first petitioner about the said defamatory sentence. At that time, the first petitioner along with one Vellaichamy, attacked the son of the defacto complainant and caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to enmity, a false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the other accused are family members. The first accused is working as Assistant Professor and he is a Social Activist. He came to know that there was some misappropriation of fund allotted to Moovaraivendran Village for the scheme of Mahatma Gandhi Rural Development Scheme. Hence, he sent a RTI application. Because of that motive, the defacto complainant and his son threatened the petitioner and the other accused and attacked them with wooden rod and caused injuries to them. Hence, the first accused lodged a complaint against the defacto complainant before the respondent police and the same was registered in Crime No.147 of 2022. Further, A1 to A8 was granted anticipatory bail by this Court in CrI.OP(MD)No. 20592 of 2022 on 21.11.2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) would submit that it is case and case in counter. The son of the defacto complainant sustained only simple injury and treated as out patient. Co-accused were granted anticipatory bail by this Court. 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 facts that the son of the defacto complainant only treated as out patient and the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Srivilliputhur, 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 until further orders.

(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 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/-

22/11/2022

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/11/2022

Sub-Assistant Registrar (C.S.I)
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,
SRIVILLIPUTHUR..
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE,
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VISHNUVARDHAN S Advocate SR.No.13643

ORDER

IN

CRL OP(MD) No.20615 of 2022

Date :22/11/2022