



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

Date : 16/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22046 and 21796 of 2022

Rekha

... Petitioner/Accused No.6
in Crl OP(MD) No.22046/2022

1. Durga
2. Buvaneswari
3. Jeyanthi

... Petitioner/Accused No.5,7&8
in Crl OP(MD) No.21796/2022

Vs

The State Rep. by,
The Inspector of Police,
Cantonment Police Station,
Trichy District.
Crime No.1775 of 2022.

... Respondent/Complainant
in both cases

in both cases

For Petitioners : M/s.Gopinath S.T.,
Advocate.
For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1775 of 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 147,
151, 294(b), 323, 353 and 506(i) IPC in Crime No.1775 of 2022 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the
Defacto Complainant, is that the accused had indulged in a
demonstration and that the police have detained them and kept them
in a Kalyanamandabam, where, the accused have abused the police
official in filthy language and had also intimidated them and
preventing them from discharging their official duty and also abused
the women police, who were present there. Hence, the complaint.



3.The learned Counsel for the Petitioners would submit that the Petitioners belong to a political party and that they have conducted agitation and they were detained in a Kalyanamandabam without providing basic amenities, like water and restroom facilities and when it was questioned by the petitioners, a false complaint has been given against them. He would further submit that if the petitioners have behaved in such a manner, the respondent police could have arrested them then and there and remanded to judicial custody, whereas, only after deliberation and instruction from someone, they have filed this false complaint and he seeks anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the dispute was arose between the police officials and the petitioners during the time of political agitation and that there are no previous cases pending against the petitioners. He would further submit that the investigation of the case is pending and hence, he opposes to grant anticipatory bail to the petitioners.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

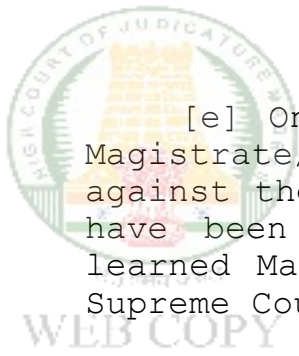
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Trichy**, on condition that the petitioners shall execute 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday 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]**.

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

sd/-
16/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

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

+1 CC to M/s.GOPINATH S.T., Advocate (SR-15195[I] dated 20/12/2022)

ORDER
IN
CRL OP(MD) . No.22046 and
21796 of 2022
Date :16/12/2022

USK/MMS/SAR-I/27.12.2022/3P/6C