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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/12/2022

PRESENT

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

CRL OP(MD) . No.22059 of 2022

1. Rajasekar @ Rajasekaran,
  2. Veeramani,
  3. Praveen Kumar,
  4. Dhanam @ Dhanalakshmi,
  5. Vasuki,
- 1 to 3 and Rank Not known

... Petitioners/Accused Nos.

Vs

State Rep.by  
The Inspector of Police,  
Palakkarai Police Station,  
Trichy District.  
(Crime No.410/2021).

... Respondent/Complainant

For Petitioners : M/s.Gopinath.S.T, Advocate.

For Respondent : Mr.A.Albert James,  
Government Advocate (Crl.Side)

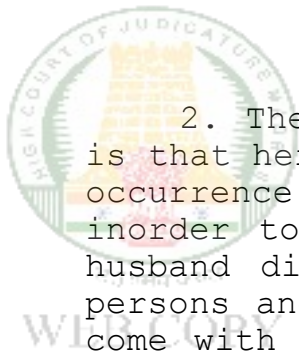
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.410/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,153,294(b)427 and 506 (i) of IPC in Crime No.410 of 2021 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the *de-facto* complaint is that her husband was running a church and six months prior to the occurrence the accused persons had assaulted her husband and in order to create communal riot had created problems thereby her husband died. Thereafter on 12.08.2021 at about 10.am., 10-15 male persons and three female persons along with Idli kadai Dhanam had come with party flag and had abused her in filthy language stating that she should not conduct religious programs and caused damage to the articles of the Church and left from the place. Hence the case came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners belongs to the one political party and due to enmity a false complaint has been given. He would further submit that the petitioners have been working for the upliftment of the public and they have not indulged in any such activities. He would also submit that the petitioners have filed an affidavit of undertaking before this Court that they will not herein after indulge in any act which would harm the feeling of the people communally and religiously and hence seek bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners belongs to one political party and they in order to create enmity between two group of religions had gone to the Church run by the defacto complainant and they have abused the defacto complainant in filthy language and also caused damage to the articles of the church. He would further submit that the petitioners are habitual offenders and several cases are pending against them. The petitioners under the guise of political party are involved in several offences which are similar in nature, causing nuisance and assaulting persons belonging to other religion. He would also submit that two cases are registered against them in Cantonment Police station, five cases in Gandhi Market Police Station, six cases in Palakarai Police Station, seven cases in Sessions Court Police station, two cases in Srirangam Police Station and one case in Woraiyur Police Station.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the undertaking filed by the petitioner that they will not indulge in such type of activities in future, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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.V, Trichy** on condition that each of the petitioners shall execute a separate bond for a sum



of Rs.10,000/- (Rupees Ten Thousand only) with two sureties or 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:

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[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 Cantonment Police Station, Trichy District every day 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.

[g] The affidavit of undertaking filed by the petitioners shall form part of the Court records.

sd/-  
22/12/2022

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/01/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.V,

<https://www.mhc.trichy.judg.gov.in>



- 2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE  
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE  
PALAKKARAI POLICE STATION, TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE,  
CANTONMENT POLICE STATION, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.Gopinath.S.T, Advocate SR.No.15590(I)

ORDER  
IN  
CRL OP(MD) No.22059 of 2022  
Date :22/12/2022

PKP/SSS/SAR-3/09.01.2023/4P/7C