



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

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PRESENT

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

CRL OP(MD). No.22054 of 2022

Rajavel @ Rajavelu

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District
(Crime No.657 of 2022).

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu, Advocate for
Mr.S.Vinayak, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.657 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 332, 506(i) I.P.C, in Crime No.657 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is working as Special Sub Inspector of Police is that on 25.11.2022, while they were on duty, they got an information that there was a quarrel between two groups in the TASMACH shop. Therefore, they rushed to the spot and tried to compromise the issue between the two groups. At that time, the accused persons abused them with filthy language and also threatened them with dire consequences, thereby, prevented the police officials from doing their official duties. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him. The petitioner is not having any bad antecedent at his credit. Hence, prays to release the petitioner on anticipatory bail.

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4. The learned Government Advocate (Crl.Side) submitted that though the petitioner is not having any bad antecedent, the accused persons had abused and prevented the officials from discharging their duties and also the investigation is not yet completed, in this case. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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, Pattukottai, Thanjavur District**, 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 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 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 Orathanadu Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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 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/ petitioner thereafter absconds, 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT
- 4 THE INSEPCTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADRUAI.

+1 CC to M/s.VINAYAK.S, Advocate (SR-14886[I] dated 15/12/2022)

ORDER

IN

CRL OP(MD) No.22054 of 2022

Date :14/12/2022

pnm

PKP/VR/SAR-3/21.12.2022/3P/7C