



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2022

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) Nos.22624 and 22741 of 2022

Arunkumar

...Petitioner/Accused No.2
(in CRL.O.P (MD) No.22624/2022)

Rameshkannan

...Petitioner/Accused No.1
(in CRL.O.P (MD) No.22741/2022)

-vs-

State rep.by
The Inspector of Police,
Chinnakovilangulam Police Station,
Tenkasi District.
(Crime No.161 of 2022)

...Respondent/Complainant
(in both Petitions)

COMMON PRAYER: Criminal Original Petitions filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.161 of 2022 on the file of the respondent Police.

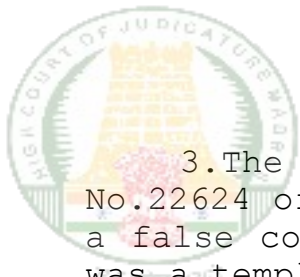
For Petitioner : Mr.K.Suyambulinga Bharathi, Advocate
(in CRL.O.P (MD) No.22624/2022)
: Mr.R.Anandharaj, Advocate
(in CRL.O.P (MD) No.22741/2022)

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)
(in both Petitions)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 143, 294(b), 341, 353 and 506(ii) in Crime No.161 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 07.11.2022, when the light music was going on in the temple festival, the police asked to stop the music because of exceeding the time limit. But the accused persons have abused and restrained the police personnel from doing their duty and asked to continue the light music. Hence, the complaint.



3.The learned Counsel for the petitioner in CrI.O.P.(MD) No.22624 of 2022 would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that there was a temple festival and the de-facto complainant had supported the opposite party and there was a dispute. The de-facto complainant is a person, who has created the problem and thereafter, on the proceedings taken by the Superintendent of Police, he was transferred to some other Police Station. He would also submit that the de-facto was antagonized against the petitioner, since the petitioner belongs to a political organisation.

4.The learned Counsel for the petitioner in CrI.O.P.(MD) No.22741 of 2022 would submit that the petitioner is the first accused in this case and would submit that the de-facto complainant is the aggressor and he has unnecessarily attempted to create trouble between two groups of the village and that a complaint was made to the Superintendent of Police and after enquiry, the Superintendent of Police finding the veracity of the complaint had transferred the de-facto complainant to some other Police Station.

5.The learned Government Advocate (crl.side) would submit that the asfaras A2 is concerned, he has got 17 previous cases and asfaras A1 is concerned, he has got 15 previous cases.

6.In reply, the learned Counsels for the petitioners would submit that they are all relates to political activities of the petitioners and the petitioners do not have any criminal background and the petitioners are ready to abide by any stringent conditions, that may be imposed on them.

7.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Sankarankovil, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety 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., and 05.30 pm 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/-

22/12/2022

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/01/2023

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

cmr

TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHINNAKOVILANGULAM POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL.O.P (MD) Nos.22624

and 22741 of 2022

Date :22/12/2022