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CRL OP(MD). N



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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.22841 of 2022

1. Manikandan @ Chandru,

2. Rengasamy,

... Petitioners/Accused Nos. 5 & 9

Vs

State Rep.by
The Inspector of Police,
Woraiyur Police Station,
Trichy City,
Crime No.1324 of 2022.

... Respondent/Complainant

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

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

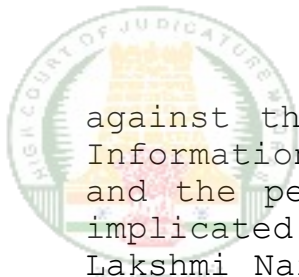
For Anticipatory Bail in Crime No.1324 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A5 and A9 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143,153,341,294(b), 506(1)(b) and 505(2) of IPC in Crime No.1324 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 the accused belonging to the BJP party had conducted demonstration and during such time they have used abusive words against the Chief Minister. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted



against them. He would further submit that even as per the First Information Report the allegations are against one Lakshmi Narasimhan and the petitioner being the member of the party has been falsely implicated in this case. He would also submit that the said Lakshmi Narasimhan is arrested and still in custody. He would also submit that other than participating in the demonstration he never committed any other offence. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are members of BJP party and during demonstration on 01.12.2022 the accused persons have raised slogans against the Chief Minister. He would also submit that the main accused Lakshmi Narasimhan was arrested and he is having previous cases of similar nature.

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 submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

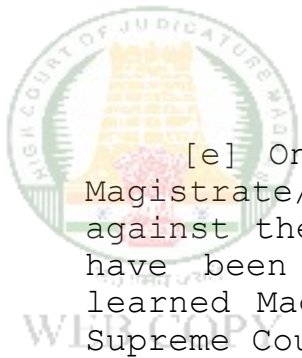
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.VI, Tiruchirapalli** on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 Cantonment Police Station, Trichy District 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/-
22/12/2022

/ TRUE COPY /

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

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TO

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

COPY TO

THE INSEPCTOR OF POLICE
CANTONMENT POLICE STATION, TRICHY DISTRICT.

ORDER
IN
CRL OP(MD) No.22841 of 2022
Date :22/12/2022

PKP/VR/SAR-1/03.01.2023/3P/6C