



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

WEB COPY

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

CRL.O.P (MD) No.23014 of 2022

1.Santhosh @ Santhoshkumar

2.Veeramani

3.Sreenivasan

...Petitioners/Accused No.2 to 4

-vs-

State rep.by

The Inspector of Police,
Contonment Police Station,
Trichy District.

(Crime No.1775 of 2022)

...Respondent/Respondent

PRAYER: Criminal Original Petition 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.1775 of 2022 on the file of the respondent Police.

For Petitioners : Mr.S.T.Gopinath, Advocate

For Respondent : Mr.P.Kottai Chamy

Government Advocate (Crl.side)

O R D E R

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 de-facto 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 prevented 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 Government Advocate (Crl.side) 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 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 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.

WEB COPY

/ TRUE COPY /

Sd/-
23/12/2022

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

cmr

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.

ORDER
IN
CRL OP(MD) No.23014 of 2022
Date :23/12/2022

SP/BUC/SAR II/02/01/2023/3P/5C