



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.142 of 2023

1.Rajasekaran
2.Arivalagan
3.Manikkam @ Manickam
4.Maheswari
5.Palaniayammal

...Petitioners/Accused
Nos. 1 to 5

-vs-

The State represented by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Cr.No.275 of 2022)

...Respondent/Complainant

For Petitioners : Mr.N.Balasubramanian, Advocate
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

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

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.275 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 341, 427 and 506(i) of IPC in Crime No.275 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 24.11.2022, the petitioners and other accused have trespassed into the office of the de-facto complainant and abused him in filthy language and attacked him and damaged the furniture in the office. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that due to previous enmity in relation to previous election, a false complaint has been given. He would further submit that the petitioners are ready to abide any stringent conditions, that may be imposed on them.

4.The learned Government Advocate (crl.side) would submit that the petitioners have trespassed into the office of the de-facto complainant and abused him in filthy language and assaulted him and damaged the furniture in the said office. He would further submit that asfaras the first petitioner is concerned, he has got six previous cases and the second petitioner has got four previous cases.

5.In reply, the learned Counsel for the petitioners would submit that six cases were registered for political reasons and out of six cases, four cases are relating to the year 2011 and they have been disposed.

6.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.

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, Thottiyam, 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 first and second petitioners shall report before the respondent police everyday at 10.30 a.m., and 05.30 pm until further orders and the other petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am 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/-
05/01/2023

/ TRUE COPY /

/01/2023

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

CMR

TO

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

ORDER
IN
CRL OP(MD) No.142 of 2023
Date :05/01/2023

PKP/BUC/SAR-4/12.01.2023/3P/5C