



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

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

CRL.O.P (MD) No.798 of 2023

WEB COPY

1.Ramkumar
2.Vijayakumar
3.Balaji
4.Sakthivel
5.Dineshkumar @ Dinesh
6.Selvam
7.Vadivel
8.Jeyaprakash
9.Annadurai

...Petitioners

-vs-

The State represented by
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Cr.No.10 of 2023)

...Respondent

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of 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.10 of 2023 on the file of the respondent Police.

For Petitioners : Mr.J.Senthil Kumaraiah,
Advocate.

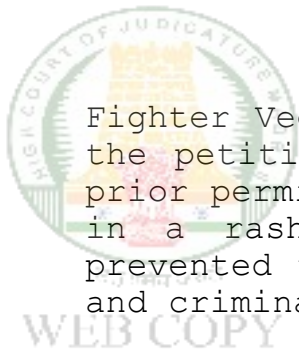
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 353, 332 and 506(ii) of IPC, Section 4 of TNPHW Act and Sections 190(2) and 184 of Motor Vehicles Act, 1988, in Crime No.10 of 2023 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 petitioners and other accused have unlawfully assembled at Adaiyar Anandhabhan Hotel for celebration of Freedom

<https://www.mca.gov.in>



Fighter Veerapandia Kattabomman birth anniversary and at the same time, the petitioners have conducted a two-wheeler rally without getting prior permission from the competent authority and drove the vehicles in a rash and dangerous manner and also abused, harassed and prevented the police officials from discharging their official duty and criminally intimidated them. 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 the petitioners are the members of Veerapandia Kattabomman Panpattu Kazhagam and they have celebrated the birth anniversary of their leader and they have not committed any other offence, as alleged by the prosecution.

4.The learned Government Advocate (crl.side) would submit that without obtaining prior permission, the petitioners and other accused have conducted a procession causing disturbance to the public and traffic and when it was questioned by the de-facto complainant, Inspector of Police, they have abused him and prevented him from discharging his official duty.

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.

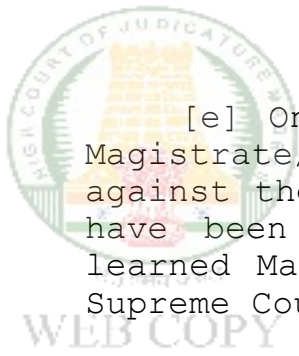
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Karur, on condition that the petitioners shall execute bond for 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., for a period of one week, 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/-
12/01/2023

/ TRUE COPY /

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

CMR

TO

- 1.The Judicial Magistrate No.1,
Karur.
- 2.The Chief Judicial Magistrate,
Karur District.
- 3.The Inspector of Police,
Karur Town Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai..

+1. CC to M/S.SENTHIL KUMARAI AH.J Advocate SR.No.719(I)

ORDER
IN
CRL OP(MD) No.798 of 2023
Date :12/01/2023

VA/MMS/SAR-2/25.01.2023/3P/6C