



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.952 of 2023

Karthick @ Navaladi Karthick

... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Karur Town Police Station,
Karur

(Crime No.797 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah.J, Advocate

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

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

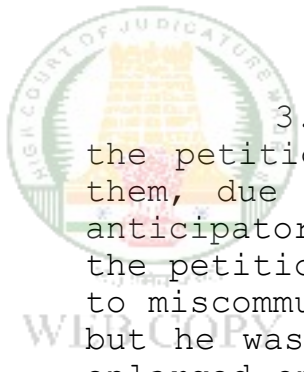
PRAYER :-

AB.For Anticipatory Bail in Crime No.797 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 143, 341, 353 of IPC and Section 5 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.797 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that on 20.12.2022 at about 8.30 p.m. the petitioners/accused have unlawfully assembled on the Karur to Kovai Road and blocked the road and protest against the political party and created heavy traffic and caused damages to the auto and also prevented the police officials from discharging their duty. Hence, the complaint.



3.The learned counsel for the petitioners submit at the petitioners are innocent and a false case was foisted against them, due to political vendetta. This is the second petition for anticipatory bail. The earlier petition was dismissed in respect of the petitioner, on the ground that the petitioner was arrested. Due to miscommunication, it was stated that the petitioner was arrested, but he was not at all arrested. The co-accused have already been enlarged on anticipatory bail, as per order of this Court in Crl.OP (MD)No.2324 of 2022, dated 28.12.2022. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, there are totally 11 accused and due to political dispute, the accused persons had conducted road-roko and caused damages to the rear view mirror of the auto rickshaw. Hence, prays to dismiss the petition.

5.In reply, the learned counsel for the petitioner submitted that without prejudice to his rights and defence, to show his *bona fides*, is ready to deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of Crime Number. Hence, prays to release the petitioner on anticipatory bail.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Taking into consideration the facts and circumstances of the case, considering the fact that the co-accused have already been released on bail and also the readiness of the petitioner to deposit to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall deposit a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of Crime Number 797 of 2022**, without prejudice to his rights and contentions before the trial Court. However, it is made clear that in view of the deposit being made by the petitioner, it would not amount to admission of guilt by him.

9.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Karur**, on condition that the petitioner shall execute a 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 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 petitioner and the sureties shall affix 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law, as if the conditions have been imposed and the petitioner 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]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/01/2023

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

pnm

TO

1.THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SENTHIL KUMARAIAH J , Advocate (SR-779[I] dated
19/01/2023)

ORDER

IN

CRL OP(MD) No.952 of 2023

Date :19/01/2023

RK/MMS/SAR-4 (27/01/2023) 3P/6C

<https://www.mhc.tn.gov.in/judis>