



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.1251 of 2023



Thirumurugan

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District. (Crime No.374/2022).

... Respondent/Complainant

For Petitioner : M/s.Muthumani.S

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

C-38.AB For Anticipatory Bail in Cr No.374/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 143, 291, 294(b), 353, 506(i) I.P.C, in Crime No.374 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is a Grade II Constable of the respondent Police is that on 29.10.2022 at about 07.00 p.m., the accused persons have unlawfully made nuisance and without obtaining permission, entered into the Kamuthi Periyapallivasal, which was in the area declared as a prohibited way on the eve of Devar Guru Pooja and when the same was restrained by the defacto complainant, who was deployed for protection, the accused persons prevented him from discharging his official duty, abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him. The petitioner is not having any bad antecedent. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that though the petitioner is not having any bad antecedent, the petitioner along with other accused persons have prevented the defacto complainant to discharge his official duty, abused and



threatened him with dire consequences. Hence, prays to discharge the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not having any bad antecedent to his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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, Kamuthi**, 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 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 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 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.

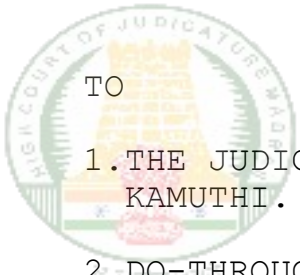
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE ,
KAMUTHI.

2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANATHAPURAM
DISTRICT.

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

+1. CC to M/S.MUTHUMANI.S Advocate SR.No.1275

ORDER
IN
CRL OP(MD) No.1251 of 2023
Date : 24/01/2023

MGJ/MMS/SAR 1(01.02.2023) 3P 6C