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CRL OP(MD).



23

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

Date : 20/02/2023

PRESENT

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

CRL OP(MD) . No.3159 of 2023

Gnanasekaran ... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District
(Crime No.25 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Saravanan.N,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

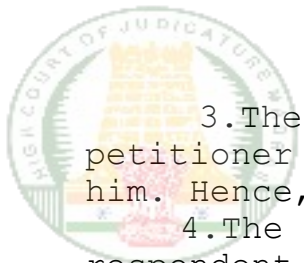
PRAYER :-

For Anticipatory Bail in Crime No.25 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(ii) of I.P.C., in Crime No.25 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the President of Silarpatti Village Panchayat and as per the Government Scheme, he constructed the tanks for the storage of garbage in the residents of Scheduled Caste community people. When the de-facto complainant and his henchmen prevented the petitioner not to construct the above said tanks, the petitioner along with others abused them in filthy language by using their caste name and also criminally intimidated them. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is an innocent and a false case has been foisted against him. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was a wordy quarrel regarding the construction of tanks for the storage of garbage, the petitioner along with other accused abused the de-facto complainant and his henchmen in filthy language by using their caste name and also criminally intimidated them. Hence, he would object for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirumangalam, 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, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with 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].



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

sd/-

20/02/2023

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/ 03 /2023

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

SJI

TO

1. The Judicial Magistrate, Thirumangalam.
 2. Do-Through The Chief Judicial Magistrate,
Madurai District.
 3. The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.N.SARAVANAN, Advocate (SR-2610[I] dated 21/02/2023)

ORDER

IN

CRL OP(MD) No.3159 of 2023

Date :20/02/2023

VA/VS/SAR-II (03/03/2023) 3P 6C