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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2023

PRESENT

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

CRL OP(MD) . No.4043 of 2023

Chelladurai @ Selvam,

... Petitioner/Accused No.3

Vs

The State rep by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.46/2023).

... Respondent/Complainant

For Petitioner : M/s.Maria Vinola M, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.46/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 353, 294(b) and 352 of I.P.C., in Crime No.46 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Parthasarathy, Commissioner, Additional In-charge, Kovilpatti Corporation, is that on 01.02.2023 at 11.00 a.m., the de-facto complainant along with his officials went to the Pasumpon Muthuramalinga Thevar Daily Market to collect rent from the shop keepers/accused persons. The accused persons abused them with filthy language and also prevented them from discharging their official duties. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is a tenant and he is running a shop in the main market along with the other accused. Without any notice, the authorities have hiked the rent and demanded rent, over which, there was a dispute and the petitioner protested against the same and other than that there is no allegation as against the petitioner. He would further submit that this is the second application for anticipatory bail and the earlier application for anticipatory bail in Crl.O.P. (MD)No.2405 of 2023, dated 07.02.2023 was dismissed as not pressed in respect of the petitioner alone, since it was represented by the respondent police that the petitioner has got ten previous cases to his credit. She would further submit that after verification, it has been found that all the previous cases have been registered for similar offences, when the officials have attempted to evict the petitioner by force, apart from being a tenant, the petitioner is also a social activist, who has been engaged in demonstrations and thereby, the other cases are registered. She would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him and he is ready to appear before the respondent police for investigation and he is also ready to file an affidavit of undertaking that he will not indulge in any illegal activities and only resort to democratic tactics. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would that this is the petitioner's second application for anticipatory bail and the earlier application in Crl.O.P.(MD)No.2405 of 2023, dated 07.02.2023 was dismissed as not pressed in respect of the petitioner alone. However, he would also submit that the petitioner has got ten previous cases and 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 No.I, Kovilpatti, 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 also file an affidavit of undertaking before the learned Judicial Magistrate No.I, Kovilpatti that he will not indulge in any illegal activities and that he will resort to democratic means.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-
02/03/2023

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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 No.I,
KOVILPATTI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
TUTICORIN DISTRICT.



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

+1. CC to M/S.MARIA VINOLA M Advocate SR.No.3262(I)

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ORDER

IN

CRL OP(MD) No.4043 of 2023

Date :02/03/2023

PKP/VRS/SAR-3/(08.03.2023)/ 4P/6C