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CRL OP(MD).



23

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

Date : 03/03/2023

PRESENT

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

CRL OP(MD) . No.4132 of 2023

1.Shunmugaraja
2.Thaveedhu Raja
3.Thanga Selvam
4.Mariappan
5.Prakash
6.Velraj @ Rajavel

... Petitioners/Accused 2 to 7

Vs

State rep. By
The Inspector of Police,
Munneerpallam Police Stateion,
Munneerpallam,
Thirunelveli District.

... Respondent/Complainant

For Petitioners : Mr.V.Rajiv Rufus

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. 11 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 2 to 7, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 143, 294(b), 353, 506(ii) I.P.C and Section 3A of Tamil Nadu Town Nuisance Act, 1989, in Crime No.11 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the first accused, being a Village Head, had violated the permission given to conduct Pongal festival on 18.01.2023 and the other accused assisted him in conducting the festival. Hence, the complaint.

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3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false complaint has been foisted against them. Hence, prays to release the petitioners on anticipatory bail.

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4. The learned Government Advocate (Crl.Side) submitted that the first accused, being a Village Head, had violated the permission given to conduct Pongal festival on 18.01.2023 and the petitioners had helped him in conducting festival. Hence, prays to dismiss the petition.

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 the first accused in this case has already been granted anticipatory bail by this Court in Crl.O.P(MD)No.3284 of 2023 vide order dated 21.02.2023, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.V, Tirunelveli District**, on condition that the petitioners shall execute a 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., until further orders;

[c] the petitioners shall not tamper with the 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 in the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
03/03/2023

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/03/2023

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

CM

TO

1. The Judicial Magistrate No.V, Tirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Munneerpallam, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-3343[I] dated 03/03/2023)

ORDER
IN
CRL OP(MD) No.4132 of 2023
Date : 03/03/2023

NA/BUC/SAR-2/16.03.2023/3P/6C