



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4399 of 2023

1. Madasamy,
2. Samidurai,
3. Muthu,
4. Muppidathi,
5. Kalimuthu,
6. Vignesh,
7. Anthoniraj @ Raj,
8. Chithiraivel,

... Petitioners/Accused No.1 to 8

Vs

The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
in Crime No.51/2023..

... Respondent/Complainant

For Petitioners : M/s.Venkatesh.C,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

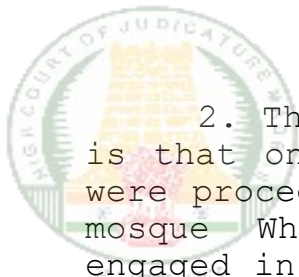
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Cr No.51/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 143,147,294(b),153(A),341 and 506(i)of I.P.C., in Crime No. 51 of 2023 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution as per the de-facto court it is that on 31.01.2023 during the temple festival when the people were proceeding towards temple carrying milk they were stopped near mosque. When the defacto complainant and the other police officials engaged in bandobust warned and prevented them they sat on the road and agitated using words against different community people, which would promote enmity between two community and abused the defacto complainant and other using filthy language and thereby prevented them from discharging their duties, hence the case.

3. Heard both sides and used the materials available on record including the First Information Report.

4. Taking into consideration of the facts and circumstances of the case and also the fact that there is dispute during the temple festival and no one sustained injuries in the said occurrence, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sankarankovil, 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, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioners shall not tamper with 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 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/-

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

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TO

1. THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4399 of 2023

Date : 08/03/2023

RK/SAR-3(15/03/2023) 3P/5C