



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8597 of 2023

1. A.Kumarandi,
2. S.Thanagavel,
3. A.Ammasi,
4. S.Matchakkalai, ... Petitioners/Accused 1 to 4

Vs

The State rep.by
The Sub Inspector of Police,
Kariapatti Police Station
Virudhunagar District.
(In Crime No.101 of 2023).

... Respondent/Complainant

For Petitioner : M.Jothi Basu,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.101 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 506(i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Cr.No.101 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as the Rural Development Officer in Kariapatti Panchayat Union Office, Virudhunagar District. On 27.04.2023 at 15.00 hours, the petitioners have forced the Government officials to appoint a person, who is having their recommendation in 100 days rural employment scheme. Hence, this complaint.



3. On the side of the petitioners, it is stated that the petitioners are the members of CPIM political party. The petitioners have attended the meeting conducted by the BDO regarding rural development scheme and they have raised objections for appointment of certain persons, who belong to the ruling party. Hence, on a political pressure, the case has been foisted against the petitioners.

4. On the side of the prosecution, it is stated that the petitioners have trespassed into the office of the Rural Development and forced the Government officials to appoint a person in 100 days rural employment scheme. Totally there are seven accused in this case.

5. Considering the facts, circumstances and nature of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.II, Virudhunagar 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 once in a week for four weeks.
- (c) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;
- (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]**; and;



(f) if the accused thereafter absconds, FIR can be registered under Section 229-A IPC.

sd/-

05/05/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

VRN

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to G.M.LAW OFFICE, Advocate SR.No.7223

ORDER

IN

CRL OP(MD) No.8597 of 2023
Date :05/05/2023

SA/VR/SAR.1/16.05.2023/3P/6C