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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15914 of 2023

Sivakumar

... Petitioner/ Accused No.1

Vs

The State rep. by its
The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
In Crime No.392 of 2023

... Respondent/complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.392 of 2023 on the file of the respondent police



ORDER : The Court made the following order :-

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 353, 506(i) IPC in Crime No.392 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Assistant Block Development Officer at Thanthoni Panchayat Union Office, Karur District. On 25.08.2023, at 05.00 pm., the first accused, who is Vice President of Velliyanai Panchayat, entered into the Union Office and demanded administrative sanction report, for which he used filthy language and also prevented him from discharging his duty. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has been falsely implicated in this case. In fact, the petitioner also preferred complaint as against the defacto complainant. As a counter blast, the present complaint came to be foisted as against the petitioner.

4.The learned Additional Public Prosecutor would submit that the accused persons prevented the defacto complainant from discharging his duty and investigation in this case is pending. A counter case is also pending as against the defacto complainant.



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5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that a counter case is also pending as against the defacto complainant and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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, Karur 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[d] 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].

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

sd/-
01/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.15914 of 2023
Date :01/09/2023

SSA/VRS/13.09.2023/5P/5C

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