



CRL OP(MD). No.16491 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16491 of 2023

B.Nedunchezian @ Neduncheliyan

... Petitioner/ Accused (Sole)

Vs

State Rep.by

The Inspector of Police,

Thanjavur Town East Police Station,

Thanjavur District.

(Crime No.676 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.C.Senthil Murugan, Advocate.

For Respondent : Mr.R.Suresh Kumar, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.676 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353 of I.P.C, in Crime No.676 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 Executive Engineer in Mines department, Thanjavur. He lodged a

<https://www.mhc.tn.gov.in/judis>



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complaint stating that on 23.08.2023 at about 3.00 p.m., when he was doing duty in his office, the accused in a drunken mood entered into his chamber, abused him in filthy language and prevented him to discharge his duty. On the basis of above, the case has been registered.

3. Seeking anticipatory bail this petition has been filed by the petitioner stating that on the particular date of occurrence, he went to the office for making enquiry with regard to the pending arrears. At that time, he was assaulted by the office members. So, he was admitted in the hospital and gave a complaint, but that was not enquired properly.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the petitioner in a drunken mood, picked up quarrel with the higher officials over official duty. So, he is not entitled for any discretionary relief. He was directed to file an undertaking affidavit. But fearing that if undertaking affidavit is filed, he may face departmental enquiry, he is not willing.

5. The learned counsel for the petitioner would submit that the above said condition may be removed.

6. Since the petitioner behaved in rugged manner with the higher officials in the Government office that should be punished and departmental action can also be initiated. At the same time, it is seen that the petitioner was assaulted by the office



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members. On that ground, anticipatory bail is granted without going into other aspects.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Thanjavur, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
27/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU



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TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.C.SENTHILMURUGAN, Advocate (SR-14289[I] dated 27/09/2023)

ORDER

IN

CRL OP(MD) No.16491 of 2023

Date :27/09/2023

RS/JGB/SAR-(12.10.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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