



CRL OP(MD)No.17866 of 2023

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

Date: 06.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM
CRL OP(MD)No.17866 of 2023

Thangapandian

... Petitioner/Sole Accused

Vs

State rep. by
The Sub-Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
(Crime No.176 of 2023)

... Respondent/Complainant

For Petitioner :Mr.M.Jothi Basu, Advocate
For Respondent :Ms.RMS.Sethuraman, Additional Public Prosecutor
For Intervenor :Mr.E.Mareeshkumar, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.176 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections * 294(b), 323, 506(i) and 307 IPC in Crime No.176 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Panchayat Secretary of



CRL OP(MD)No.17866 of 2023

Pillaiyarkulam Village Panchayat, Srivilliputhur Union, Virudhunagar District. On 02.10.2023, during Grama Sabha meeting, when the de-facto complainant raising questions about conduct of Grama Sabha meeting, the accused has abused the de-facto complainant in filthy language and assaulted him in chest by his leg and criminally intimidated him. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent. He would also submit that the petitioner is ready to file an affidavit seeking unconditional apology. Hence, he would pray for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that on 02.10.2023, during Grama Sabha meeting, when the de-facto complainant raising questions about conduct of Grama Sabha meeting, the accused has abused the de-facto complainant and assaulted him in chest by his leg and criminally intimidated him. He would also submit that the petitioner was suspended from service. He would strongly oppose to grant anticipatory bail to the petitioner.

5.Perusal of the accident register shows that the Doctor, who treated the de-facto complainant, has recorded that on examination of de-facto complainant, no obvious visible external injury anywhere and the patient was conscious. The petitioner, being a Government servant, though misbehaved, was suspended for his



CRL OP(MD)No.17866 of 2023

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6. Considering the submissions made by the learned Counsel for the petitioner and also considering the medical records, this Court is inclined to grant anticipatory bail to the petitioner.

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-II, Srivilliputhur, Virudhunagar District 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 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 petitioner 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 petitioner shall report before the respondent Police on every Monday at 10.30 am.

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



CRL OP(MD)No.17866 of 2023

[d] the petitioner 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 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].

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

sd/-
06/10/2023

(*)AMENDED AS PER ORDER OF THIS COURT DATED 20.10.2023 IN CRL MP (MD)NO.15000 OF 2023 IN CRL OP(MD) NO.17866 OF 2023

THE TIME GRANTED BY THIS COURT VIDE ORDER IN CRL MP(MD) NO.15002 OF 2023 IN CRL.O.P(MD)NO.17866 OF 2023 DATED 20.10.2023 IS EXTENDED FOR A PERIOD OF TWO WEEKS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER.

/ TRUE COPY /

/10/2023

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

cmr



CRL OP(MD)No.17866 of 2023

TO

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TO BE SUBSTITUTED WITH THE ORDER DATED 06/10/2023 ALREADY
DESPATCHED

1 The Judicial Magistrate-II,
Srivilliputhur, Virudhunagar District.

2 Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3 The Sub-Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-15516[I] dated 20/10/2023)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-15517[I] dated 20/10/2023)

ORDER
IN

CRL OP(MD) No.17866 of 2023

Date :06/10/2023

SSA/VRS /13.10.2023/5P/6C

ED/JGB/SAR- (26/10/2023) 5P / 7C

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