



CRL OP(MD). No.18523 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Surya,

2. Venkadesh @ Venkadesan,

... Petitioners/ Accused Nos. 7, 14

Vs

**State Rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.633/2021..**

... Respondent/ Complainant

For Petitioners : M/s.Senthilkumar.R, Advocate.

For Respondent : Mrs.M.Aasha,

Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the Petitioners on Anticipatory bail in the event of their arrest in CC No.378/2022, on the file of the Judicial Magistrate Court II, Sivagangai.

ORDER : The Court made the following order :-

The petitioners/ A7 and 14, who apprehend arrest at the hands of the respondent

police for the offences punishable under Sections 109, 147, 148, 279, 341, 283 and 506

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



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(ii) of IPC in Crime No.633 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused at that time of going to Maruthur pandiyar Guru Poojai in a vehicle they shouted with wooden log and caused criminal intimidation to the general public. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Therefore, he prayed for anticipatory bail to the petitioners.

4.The Government Advocate(Crl.Side) appearing for the respondent would submit that petitioners along with other accused at that time of going to Maruthur pandiyar Guru Poojai in a vehicle they shouted with wooden log and caused criminal intimidation to the general public, hence he objected to grant anticipatory bail to the petitioners. However he fairly concedes that investigation has been completed and final report has been filed before the learned Judicial Magistrate No.II, Sivagangai and the same was taken on file in C.C.No.378 of 2022.

5. On perusal of the FIR, it is noticed that investigation has been completed and final report has been filed before the concerned Court and the same was taken on file.

6.Taking into consideration the principles stated by the Honourable Supreme



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Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Sivagangai District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.I, Sivagangai on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned



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Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioners shall report before the trial Court on receipt of summons

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

[c] the petitioners 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 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].

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

sd/-
16/10/2023

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

AAV



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TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.I
SIVAGANGAI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-15315[I] dated 17/10/2023)

ORDER
IN

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Date :16/10/2023

PKP/DD/SAR- /19.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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