



CRL OP(MD). No.19347 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19347 of 2023

C.Ravindran

... Petitioner/ Accused No (Un Known)

Vs

The State rep. by,
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.237 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.P.Ravi Kumar, Advocate
for Mr.S.Joel

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

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

PRAYER :-

For Anticipatory Bail in Crime No.237 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused (rank not known) who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 353 and 506(1) of I.P.C. in Crime No.237 of 2023 on the file of the respondent police, seeks pre-arrest bail.



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2. Executive Officer No.III, Arulmigu Mutharamman Temple is the defacto complainant in this case. The case of the prosecution is that on 22.10.2023, at 08.40 p.m., a function called “காப்பு கட்டுதல்” took place. At that time, 600 people came there for worshipping. The defacto complainant engaged in regulating of crowd. At that time, petitioner and others abused and attacked the defacto complainant and removed the fencing which was put up for regulating the crowd and thereby, petitioner and others committed the offence under Sections 147, 294(b), 323, 353 and 506(i) of IPC. Hence, the defacto complainant filed a complaint. Based on the said complaint, the above said case has been registered against the petitioner.

3. The learned counsel for the petitioner appeared through video conference and submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Since the respondent Police is searching the petitioner, the petitioner has filed this petition for pre-arrest bail. He further submitted that the petitioner has permanent residence at Kancheepuram District and therefore, there is no possibility for absconding. Hence, he seeks pre-arrest bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that in this case, the defacto complainant lodged a complaint stating that 15 persons unlawfully assembled and prevented the defacto complainant from doing his official duties and attacked the Executive Officer by using their hands. He further submitted that the investigation is not yet completed. At this stage of investigation, if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses and thereby investigation may be delayed. Accordingly, the learned Government Advocate raised objection for granting pre-arrest bail.

5. Heard on both sides. This Court has perused the materials available on record.

6. There is no serious injury caused to defacto complainant. The petitioner's name does not find in the FIR. Except the offences under Sections 506(i) and 353 of IPC, all other offences are bailable in nature. The petitioner has permanent residence and hence, there is no possibility for absconding. Custodial interrogation of the petitioner is not necessary to the investigation agency. Considering the facts and circumstances, this Court is inclined to grant pre-arrest bail to the petitioner, subject to the following conditions:



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(i) Pre-arrest bail is granted to the petitioner.

(ii) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the Judicial Magistrate, Tiruchendur within 15 days from today, on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Tiruchendur.

(iii) The petitioner shall appear and sign before the respondent police weekly twice i.e., on Monday and Friday at 10 a.m., until further orders.

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proof to ensure their identity.

(v) The petitioner shall not tamper with the evidence or witness either during investigation or trial.

(vi) The petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation.

(vii) If the petitioner absconds, a fresh FIR shall be registered under Section 229A of IPC.

(viii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) 13 SCC 283].

sd/-

26/10/2023

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/11/2023

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

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TO

1.THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.



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2.DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI

3.THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.19347 of 2023
Date :26/10/2023

SI/JGB/SAR- /06.11.2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023