



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . Nos.22256 and 22845 of 2022

1. Purushothaman,
2. Gowtham,
3. Kali @ Kaleeswaran, ... Petitioners/A4 to A6 in
Crl.O.P.(MD)No.22256 of 2022
4. Ondimuthu,
5. Paramasivam,
6. Parthiban,
7. Navaneethakrishnan,
- (*)8.Ilakannan S/o.Lakshmanan** ... Petitioners/A2, A3, A7, A8 & A9
in Crl.O.P.(MD)No.22845 of 2022

Vs

THE STATE REP BY
The Inspector of Police,
Cantonment Police Station,
Trichy District.
Crime No.1048 of 2022. ... Respondent/Complainant
in both petitions

For Petitioner (in Crl.O.P.(MD)No.22256 of 2022)
: Mr.A.Azhageson,
Advocate.

For Petitioner (in Crl.O.P.(MD)No.22845 of 2022)
: Mr.S.T.Gopinath
Advocate.

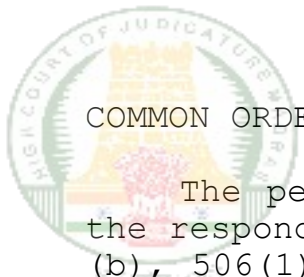
For Respondent (in both petitions)
: Mr.T.Senthilkumar,
Additional Public Prosecutor

For Intervenor : Mr.S.T.Gopinath
in cmp.No. 22256/2022

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.1048 of 2022 on the file of
the Respondent Police.



COMMON ORDER : The Court made the following order :-

The petitioners/A2 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 506(1), 147, 143, 153, 283 and 353 of I.P.C. and Section 41(6) (a) and 71(xi) of TN City Police Act, 1888, in Crime No.1048 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Akila, Sub Inspector of Police, Cantonment Police Station, Trichy, is that they had arrested one Suryasiva in Crime No.1042 of 2022 and when he was kept in the police station, the accused, who belongs to the BJP party, trespassed into the police station and threatened and abused the police officials and higher officials. Hence, the case.

3.The learned counsel for the petitioners would submit that the respondent police had arrested one Suryasiva belonging to the petitioners' party and the petitioners to give support to the said person, had gone to the police station and other than that, they have not involved in any offence as alleged by the prosecution. He would further submit that the petitioners have also filed an affidavit of undertaking before this Court stating that they will not stage such demonstration or protest outside the police or Gehroah the police station in the near future. He would further submit that A1 has also been granted anticipatory bail by this Court in Crl.O.P.(MD)No.23016 of 2022, dated 20.01.2023. Hence, he seeks for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioners are the member of a political party and one Suryasiva was arrested in a criminal case registered by the respondent police, the petitioners along with the party members have trespassed into the police station and had threatened the officials and other persons in the police station. Hence, he would oppose for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.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.II, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police



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

[a] the petitioners 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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 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].

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

9.The affidavit of undertaking filed by the petitioners shall form part of the court records.

sd/-

25/01/2023

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).2836/2023 IN CRL OP (MD).22845/2022 dated 20.02.2023

Time is also extended further for a period of two weeks, from the date on which the order is copy made ready. Thereafter, no further extension will be given.

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/03/2022

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

SJI



TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 07.02.2023

1. The Judicial Magistrate No.II, Trichy.
 2. Do-Through The Chief Judicial Magistrate,
Trichy District.
 3. The Inspector of Police,
Cantonment Police Station,
Trichy District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
- +1 CC TO MR.S.T.GOPINATH, Advocate, SR-2625[I]

CRL OP(MD) . Nos.22256 and 22845 of 2022
Date :25/01/2023

KB/SAR IV(04.02.2023) 4P 6C
RS/BUC/SAR.3 (08.03.2023) 4P-6C