



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

Date : 20/01/2023

PRESENT

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

CRL OP(MD). No.23016 of 2022

Rajasekar

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Cantonment Police Station,
Trichy City,
Crime No. 1048/2022.

... Respondent/Complainant

For Petitioner : M/s.Gopinath.S.T,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

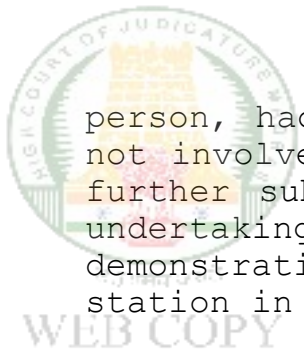
For Anticipatory Bail in Crime No.1048 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends 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, seeks 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 petitioner would submit that the respondent police had arrested one Suryasiva belonging to the BJP party and the petitioner to give support to the said



person, had gone to the police station and other than that as not involved in any offence as alleged by the prosecution. He would further submit that the petitioner has also filed an affidavit of undertaking before this Court stating that he will not stage such demonstration or protest outside the police or Gehroah the police station in the near future. Hence, he seeks for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is the member of a political party and one Suryasiva was arrested in a criminal case registered by the respondent police, the petitioner along with the party members have trespassed into the police station and had threatened the officials and other persons in the police station. He would further submit that the petitioner has got six previous cases against him and hence, he would oppose for grant of anticipatory bail.

5.In reply, the learned counsel for the petitioner would submit that all these cases are registered against him on account of his political activity and other than that, the petitioner has not involved in any criminal case.

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

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

8.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 No.II, Tiruchirappalli, 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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



[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.

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

sd/-

20/01/2023

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/02/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
TIRUCHIRAPPALLI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION, TRICHY CITY.

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

+1CC to M/s.Gopinath.S.T, Advocate SR-904

ORDER

IN

CRL OP(MD) No.23016 of 2022

Date :20/01/2023

SS/BUC/SAR IV/30/01/2023/ 3P 6C