



CRL OP(MD). No.23203 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.23203 of 2023

1. Kannadasan

2. Varatharajan

3. Krishnamoorthi

... Petitioners/ Accused Rank Not Known

Vs

The Inspector of Police,
Thirunagar Police Station,
Madurai District.

Crime No.34/2023..

... Respondent/ Complainant

For Petitioners : S.Pandiyaraj,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.34/2023 on the file of the respondent police.

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



CRL OP(MD). No.23203 of 2023

WJMSOPH
ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 506(ii) IPC and 3(1) of TNPPDL Act, in Crime No.34 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive, the petitioner herein entered into the theatre and caused damage to the doors of the theatre and also abused the Manager of the theatre in filthy language. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioners are ready and willing to deposit sum of Rs.3,000/- each for the damage caused to the glass doors and seeks anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally seven accused involved in this case and the investigation of the case is pending.



CRL OP(MD). No.23203 of 2023

5. On perusal of the FIR, it is noticed that it is a case of previous motive.

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6. Taking into consideration the principles stated by the Honourable Supreme 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 origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioners are having permanent residents at Madurai District and they are ready to deposit the amount damage caused by them. 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 to 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

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CRL OP(MD). No.23203 of 2023

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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.VI, Madurai District on condition that the petitioners shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners have to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of crime No.34 of 2023, for the damage caused by them. On such deposit, the Court is directed to give that amount to the defacto complainant without notice to the accused / petitioners herein.

[b] the petitioners shall appear before the trial Court on receipt of summons as directed by the trial Court.

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



CRL OP(MD). No.23203 of 2023

[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 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/-
21/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate No.VI, Madurai District.
2. -do-Through The Chief Judicial Magistrate, Madurai District.



CRL OP(MD). No.23203 of 2023

3. The Inspector of Police,
Thirunagar Police Station, Madurai District.

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

+1 CC to M/s.S.PANDIYARAJ, Advocate (SR-18160[I] dated 21/12/2023)

ORDER
IN
CRL OP(MD) No.23203 of 2023
Date :21/12/2023

RD(29/12/2023) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.