



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12416 of 2016

1 ANBARASAN
2 VIJAYAKUMAR

... PETITIONERS/ACCUSED No.2&4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.217 OF 2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S D.R.MURUGESAN, ADVOCATE

FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

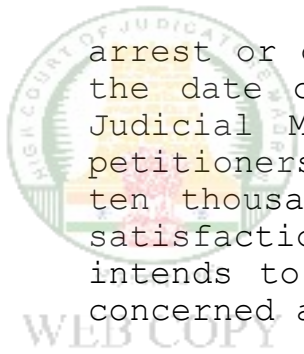
The petitioners, who are arrayed as Accused Nos.2 & 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 431, 353, 294(b) and 341 of IPC, in Crime No.217 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant along with other Revenue Officials while removing the encroachment in the public pathway, the petitioner along with other accused prevented the officials from discharging their official duty and abused them in filthy language and threatened them with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the property in question is a private property and it is not a public pathway. Only at the instigation of the enemies of the petitioners, false case has been foisted against the petitioners. They are innocent persons and they have not committed any offence as alleged by the prosecution and pray for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Crl.Side) that A1 was already arrested and enlarged on bail.

5.Considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily twice at 10.00 a.m., and 5.00 p.m., until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
26/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT.
3. THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S D.R.MURUGESAN Advocate SR.No. 39575

ORDER IN
CRL OP(MD) No.12416 of 2016
Date :26/07/2016