



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13058 of 2016

1 T. VELLAIKKANNU
2 POOVENDRAN
3 MURUGAN
4 ALAGU

... PETITIONERS/PETITIONERS

Vs

STATE REP BY THE INSPECTOR OF POLICE
THIRUPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 140 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.RAMU Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4 , apprehend arrest at the hands of the respondent police for the offences punishable under Sections 20,30, 26(2) of Arms Act in, Crime No.140 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that on 19.05.2015, when the petitioners were travelling in a vehicle bearing Regn.No.TN 65 P O 561, the respondent police intercepted the vehicle and they found 6 pieces of small one foot iron rod.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioners have already filed Crl.O.P(MD)No.8242 of 2016 for anticipatory bail before this Court and this Court vide order dated 25.05.2016, granted anticipatory bail to them. Thereafter, the petitioners filed Crl.M.P(MD).No.4766 of 2016 for extension of time to execute the sureties and this Court granted time till 01.07.2016, but, they could not produce the sureties before the learned Judicial Magistrate due to the continuous boycott before the Lower Court. Subsequently, they filed Crl.M.P(MD).No.5588 of 2016 in Crl.O.P(MD).No.8242 of 2016 and the same has been for dismissed for non-



prosecution. Hence, the petitioners have come up with the present petition.

4. Heard the learned Government Advocate (Criminal side).

5. Considering the facts and circumstances of the case and also the considering fact that this Court has already granted anticipatory bail to the petitioners vide order dated 25.05.2016 made in Crl.O.P(MD)No.8242 of 2016, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppathur, 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 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 at 10.00 a.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 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]**.

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/-
28/07/2016

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI
- 3 THE INSPECTOR OF POLICE
THIRUPATHUR TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/S.M.Ramu, Advocate, SR.No. 40384

ORDER

IN

CRL OP (MD) No.13058 of 2016

Date : 28/07/2016

AA/ARK-PV/SAR-I/05.08.2016/3p-6c