



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

Tuesday, the Second day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.1804 of 2016

1 T. RAMAR
2 SUDALAIMUTHU

..PETITIONERS/ACCUSED 4 & 5

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
TIRUCHENDUR TEMPLE POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO. 26 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S V.K.SARAVANAN Advocate
For Respondent : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 294(b) I.P.C., and Section 3 of T.N.P.P.D.L. Act, in Crime No.26 of 2016, on the file of the respondent police, seek anticipatory bail.

2. Heard Mr.V.K.Saravanan, learned counsel appearing for the petitioners / Accused 4 and 5 and Mr.A.P.Balasubramanian, learned Government Advocate (Criminal Side) appearing for the State.

3. It is the case of prosecution that two groups belonging to different communities had clashed and in which the vehicle of the *de facto* complainant was damaged to the tune of Rs.17,000/-.

4. Taking into consideration the fact that there is no previous case against the petitioners / Accused 4 and 5, this Court is of the view that this a fit case to grant anticipatory bail to the petitioners / Accused 4 and 5. 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, Tiruchendur, on condition that each of the petitioners / Accused 4 and 5 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:

<https://hcservices.ecourts.gov.in/hcservices/>

(1) Each of the petitioners / Accused 4 and 5 shall deposit a sum of Rs.5,000/- (Rupees five thousand only) before the learned Judicial



WEB COPY

Magistrate, Tiruchendur, without prejudice to their defence and on such deposit, the learned Judicial Magistrate, Tiruchendur, shall disburse the same, as *ex gratia* compensation, to the *de facto* complainant.

- (ii) the petitioners / Accused 4 and 5 shall stay at Tirunelveli Town and report before the Tirunelveli Junction Police Station daily morning at 10.30 a.m., and evening at 06.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.
- (iii) the petitioners / Accused 4 and 5 shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners / Accused 4 and 5 shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners / Accused 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners / Accused 4 and 5 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]**.

5. 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/-
02/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
TIRUCHENDUR TEMPLE POLICE STATION, TUTICORIN DISTRICT.
- 5 THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION, TIRUNELVELI.

+1. CC to M/S V.K.SARAVANAN Advocate SR.No.6463

akm/03.02.2016/2p-7c/NGM/SS/SAR-I

ORDER
IN
CRL OP(MD) No.1804 of 2016
Date :02/02/2016