



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

Thursday, the Twentieth day of October Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20111 of 2016

WEB COPY

M.RAJASEKARAN

... PETITIONER/14TH ACCUSED

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.129 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.R.LAXMAN 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 :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 147, 294(b), 188, 109, 353 IPC r/w 4A(1a) of Tamil Nadu Open Places Prevention of Disfigurement Act, 1959 and 3(10) of Tamil Nadu Town Nuisance Act, 1889 in Crime No.129 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner along with other accused conducted Aivar Thiruvizha by violating the conditions imposed by the District Collector and caused nuisance to the general public, which resulted in registration of the case.

4. Learned counsel for the petitioner submitted that the petitioner is a Police Constable and he did not participate in the function and he has been falsely roped into the case.

5. Learned Government Advocate (Crl. Side) submitted that co-accused was already released on bail and that there is no previous case as against the petitioner.

6. Considering the facts and circumstances of the case and also taking note of the fact that co-accused was already released on bail, this Court is of the view that custodial interrogation of the petitioner is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**



7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Mudukulathur, subject to the following conditions:**

(i) 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 Magistrate concerned;

(ii) the petitioner shall report before the **respondent police on every Sunday at 10:30am until further orders;**

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 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].**

sd/-

20/10/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, MUDUKULATHUR, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KEELATHOOVAL POLICE STATION, RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.K.R.LAXMAN Advocate SR.No.62236

AR

CSL/CK/SAR-I/07.11.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.20111 of 2016

Date :20/10/2016