



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

Thursday, the Third day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN
CRL OP(MD) No.20688 of 2016

1 STALIN
2 IYYAPPAN
3 GNANA RAJ
4 PERLING RAJA

... PETITIONERS/ACCUSED 2 TO 5

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.208 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.JAMEEL ARASU Advocate

For Respondent : MRS.S.PRABHA, 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 147, 148 IPC r/w Section 3 of TNPPDL Act, 1992 in Crime No.208 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 petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioners along with A1 assembled unlawfully and damaged the bus shelter constructed in S.No.145/1 in Chidambarapuram Village, Tirunelveli District, which resulted in registration of the present case.

4. Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case and they had nothing to do with the alleged offences.

5. Learned Government Advocate (Crl.Side) submitted that the petitioners have unauthorizedly removed the bus shelter and caused hindrance to the general public.

6. It is seen that A1 is the Village President, who along with other these petitioners made a representation to the Collector for construction of new bus shelter and removed the existing one in implementation of the resolution dated 22.03.2016. Therefore, considering the facts and circumstances of the case, this Court is of the view that custodial interrogation of these petitioners is not



necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, these petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Valliyoor, Tirunelveli District, subject to the following conditions:**

(i) **each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties** 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 petitioners shall report before the respondent police daily at 10:30am for one week and thereafter as and when required for interrogation;**

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

(iv) the petitioners 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 petitioners 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/-

03/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.65795

AR

CSL/PV/SAR-I/14.11.2016: 2P/6C

ORDER

IN

CRL OP (MD) No.20688 of 2016

Date :03/11/2016