



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

Thursday, the Third day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10119 of 2017

1 RAMAKRISHNAN
2 SETHUKANNAN
3 JEYAMURUGAN
4 KUMAR
5 MOHANA SUNDHARAM

... PETITIONERS / ACCUSED Nos.5,6,10,12,11

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR NO. 212/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.SJEYAKARTHIK Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

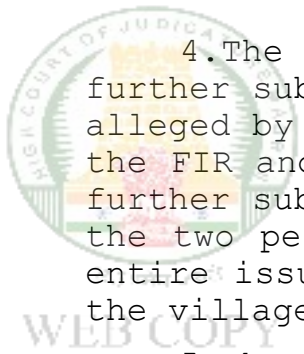
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 341, 336, 332, 353 and 506(i) of IPC and Section 3 of TN Property (Prevention of Damage and Loss) Act, 1992 in Crime No.212 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that while conducting road rook by the villagers, the petitioners along with other accused damaged the glass of the van worth about Rs.5,000/-. On complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that on date of occurrence two persons belonged to the petitioner's village drove the motor vehicle and at the time of reaching occurrence place, the respondent police tried to stop their bike for checking the license, but, the bike riders tried to escape from the occurrence place. While so, the petitioners dashed against the private bus and caused accident. Therefore, the deceased's villagers came to the occurrence place and they have abused the respondent police and also refused to receive the body of the deceased persons and also caused hindrance to the free flow of traffic.



4.The learned counsel appearing for the petitioners further submitted that the petitioners did not commit any offence as alleged by the respondent police and their names were not found in the FIR and they have been falsely implicated in this case. He further submitted that due to the act of the respondent police only, the two persons died by meeting accident. In order to suppress the entire issue, the respondent police registered a false case against the village people.

5.The learned Additional Public Prosecutor appearing for the respondent Police on instructions would submit that totally there are 2 named accused and 48 unnamed accused in this case and the petitioners herein are arrayed as A5, A6, A10, A12 and A11 respectively. He further submitted that A2 was granted anticipatory bail by this Court in CrI.O.P(MD).No.9522 of 2017, dated 25.07.2017 and A3 was already arrested and remanded to judicial custody and the investigation is still pending.

6.Considering the facts and circumstances of the case and also considering the fact that co-accused was already granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Paramakudi on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

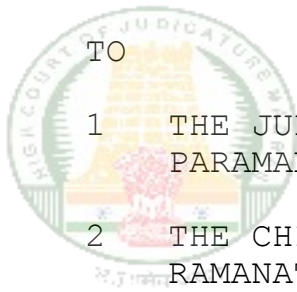
[c]the petitioners shall not abscond either during investigation or trial.

[d]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)**.

sd/-
03/08/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.28154

ORDER

IN

CRL OP(MD) No.10119 of 2017

Date :03/08/2017

MKV-CM-MSA-SAR 1/9.8.2017/2P-6C