



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

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12087 of 2017

ANTHONY VIYAGAPPAN

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
AYAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.174 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH 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 petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 294 (b), 352, 387 & 506(ii) of IPC in Crime No.174 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there was some dispute between the de facto complainant and the petitioner regarding the maintenance of accounts of the St. Anthoniar Church and the petitioner is said to have kicked with leg on the chest of the de facto complainant and no one sustained injury in the occurrence.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the de facto complainant and the accused are belongs to the same community and once in 3 years, their community people select their Chieftain and other organizers to account the amount contributed by their community people and to hold functions of the Church and now the petitioner was selected as the present Chieftain and the 2nd accused was selected as Treasurer and the de facto complainant, who was selected as erstwhile Treasurer, failed to submit the accounts note and the fund collected with the accused and when questioned, lodged the present false complaint.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that FIR was registered against 1 named accused and 2 others and the petitioner



herein is arrayed as A1. He further submitted that A2 & A3 were arrested and released on bail by concerned Sessions Court and the investigation is still pending.

5. Considering the facts and circumstances of the case and also taking note of the fact that no one sustained injury in the occurrence and co-accused were granted bail by the concerned Sessions Court, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Shengottai on condition that 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police as and when required.

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

[c] the petitioner 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 petitioner 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).

sd/-

14/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SHENGOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.30701

ORDER

IN

CRL OP(MD) No.12087 of 2017

Date :14/09/2017