



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

Monday, the Ninth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.13540 of 2017

1 CHINNARASU,
2 ERULAPPASAMY,
3 MUTHUKUMAR,
4 RAJA,

... PETITIONERS/ACCUSED No.1 to 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KAYATHARU POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.329 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.PRABHU for M/S.POLAX LEGAL SOLUTIONS Advocate
For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

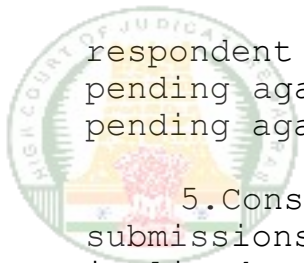
The petitioners / accused nos.1 to 4, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 341, 324, 506(ii) of IPC and Section 3(1) of TNPPDL Act and Section 25(1A) of Arms Act in Crime No.329 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 24.09.2017, at about 06.00 p.m., the defacto complainant namely S.Kaliraja working as driver in SSRBS bus service. The said defacto complainant was driving the vehicle from Kayatharu to Kovilpatti through Chettikurichi village. At that time, the petitioners drove the vehicle in a drunken mood and they overtook the bus. There was a wordy quarrel between the petitioners and the defacto complainant. Thereafter, the petitioners attacked with Aruval by using filthy language. Consequently, the petitioners damaged the bus mirror worth about Rs.8,000/-. Thereafter, Immediately, the defacto complainant lodged a complaint against the petitioners. Aggrieved by the same, the petitioners filed this criminal original petition.

3.The learned counsel for the petitioner submitted that the petitioners did not commit any offence and they are innocent persons. They have been falsely implicated in this case.

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

4.The learned Government Advocate (Crl.side) appearing for the



respondent Police on instructions would submit that 24 cases were pending against A1 and 5 cases were pending against A3. 2 cases were pending against A4 and the investigation is still pending.

5. Considering the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to A2 and A4 and considering the fact that the previous cases are pending against A1 and A3, I am not inclined to grant anticipatory bail to A1 and A3. Accordingly, the petitioners 2 and 4 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 No.II, Kovilpatti, on condition that petitioners 2 and 4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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:

(i) the petitioners 2 and 4 are directed to deposit Rs.8,000/- each in Crime No.329 of 2017.

(ii) the petitioners 2 and 4 shall report before the investigating officer daily between 10.00 a.m. and 11.00 a.m. for a period of four weeks and thereafter as and when required;

(iii) the petitioners 2 and 4 shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners 2 and 4 shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners 2 and 4 shall not commit any offence while on bail;

(vi) on breach of any of the aforesaid conditions, the petition for anticipatory bail stands dismissed.

sd/-

09/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE,
KAYATHARU POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.32374

ORDER IN

CRL OP(MD) No.13540 of 2017

Date :09/10/2017