



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

Wednesday, the Fifteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15262 of 2017

1 CHINNA MARIAPPAN
2 THANGAM

... PETITIONERS/PETITIONERS/ACCUSED 1&2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.316 OF 2017

... RESPONDENT/RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.SATHIAMOORTHY Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

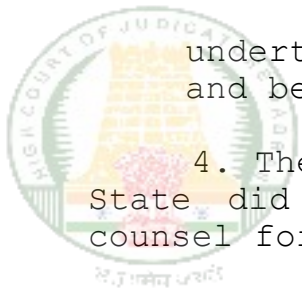
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 153, 294(b), 506(ii) and 109 of I.P.C., in Crime No.316 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 29.09.2017, the petitioners constructed a bar in the locality. The residents of the locality made objection and thereby, the petitioners and other accused persons attacked the residents of the locality. Thereafter, one of the residents lodged a complaint before the respondent police for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners constructed only a shelter for their employees. Today, the petitioners filed an undertaking affidavit before this Court wherein it has been stated as follows:

"5.We submit that we do not have any iota of intention to open Tasmac Bar either in the locality or any other place in the state of Tamil Nadu. The ongoing building construction is only to make a shelter for the workmen involved in the Lorry Transport Business. We



undertake that we shall not open any Tasmac Bar as alleged and be a cause for the public nuisance in any manner."

4. The learned Government Advocate (Crl.side) appearing for the State did not dispute the factual aspects made by the learned counsel for the petitioners.

5. Recording the undertaking affidavit filed by the learned counsel for the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

(iv) the petitioners shall not abscond either during investigation or trial;

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

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

15/11/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3 THE SUB INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.SATHIAMOORTHY Advocate SR.No. 34427

ORDER

IN

CRL OP(MD) No.15262 of 2017

Date :15/11/2017

MKV-PM-PN-SAR 4/21.11.2017/3P-6C