



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

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16574 of 2017

R.DINESH

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
CR.NO.782 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.GOKUL RAJ Advocate

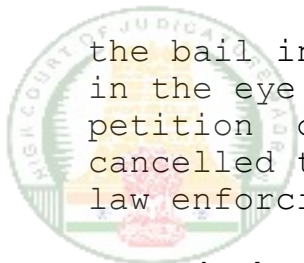
For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 188 of IPC and 7(1)(a) of CLA Act & 4(1)(i) of Tamil Nadu Prohibition Act, in Crime No.782 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 11.09.2017, the petitioner along with other accused persons in a drunken mood, for opposing the NEET Examination, made Dharna in front of the house of the Deputy Speaker, Lok Sabha, thereby, the respondent police registered a case against the petitioner and other accused persons. Subsequently, they were arrested and remanded into Judicial custody, against which, they filed a petition seeking bail in Crl.M.P.No.728 of 2017 before the Principal Sessions Court, Karur and on 18.09.2017, the petitioner and another were granted bail on condition, that they should appear before the Judicial Magistrate No.I, Karur at 10.30 a.m daily until further orders. Thereafter, the petitioner filed a relaxation petition in Crl.M.P.No.908 of 2017 before the Principal Sessions Judge, Karur. However, the learned Principal Sessions Judge, Karur, cancelled the bail granted in favour of the petitioner as if he did not comply the condition from 05.10.2017 to 11.10.2017.



the bail in the relaxation petition and it is not at all permissible in the eye of law. The lower Court can either reject the relaxation petition or grant the relaxation. However, the lower Court cancelled the bail, without any cancellation of bail petition by the law enforcing agency. Hence he prays for anticipatory bail.

4. The learned Government Advocate (Criminal side) would submit that without cancellation of bail petition, the lower Court can cancel the bail already granted for non compliance of the condition imposed, while entertaining the relaxation petition and prays this Court to pass suitable orders.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side) and since the petitioner has already complied with the condition for 35 days before the 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) The petitioner shall appear before the respondent police as and when required for interrogation;
- (ii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) the petitioner 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 petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

04/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S.S.GOKUL RAJ Advocate SR.No.35495

ORDER

IN

CRL OP(MD) No.16574 of 2017

Date :04/12/2017

MKV-CM-VR-SAR 1/7.12.2017/3P-6C