



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

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.4545 and 4546 of 2017

AYYAVUTHEVAR @ KUMARTHEVAR

... PETITIONER / A1
in Crl.OP.(MD).No.4545/2017

1 POTHUMANI @ POTHUNKANI
2 RANI @ INDHURANI
3 PETHU @ PETHUMUNIYANDI
4 PANDI

... PETITIONER / ACCUSED 2 to 4 & 8
in Crl.OP.(MD).No.4546/2017

Vs

THE STATE THRO SUB INSPECTOR
OF POLICE, SAPTUR POLICE STATION,
IN CRIME NO.6 OF 2017

... RESPONDENT / COMPLAINANT
in both the petitions

For Petitioner : M/S.E.R.GURUBALACHANDRAN Advocate
in both the petitions

For Respondent : Mr.P.Kandasamy, Govt. Advocate (Crl. Side)
in both the petitions

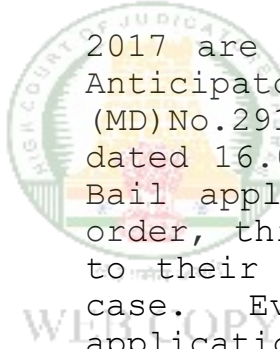
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A-1 to A-4 and A-8, in Crime No.6 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 392 and 506(ii) of I.P.C., and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the respondent/State.

3.The learned Government Advocate(Crl.Side) appearing for the respondent on instructions submitted that there are totally 9 named accused and 9 others. The petitioner in Crl.O.P.(MD)No.4545 of 2017 is the first accused. The petitioners in Crl.O.P.(MD)No.4546 of



2017 are the accused Nos.2 to 4 and 8 respectively. The earlier Anticipatory Bail application moved by the petitioners in CrI.O.P. (MD)No.2919 of 2017 was dismissed by this Court, as per the order dated 16.03.2017. The present application is the third Anticipatory Bail application filed by the petitioners herein. In the earlier order, this Court has directed the respondent to secure the accused to their custody for custodial interrogation if necessary in this case. Even after the dismissal of the earlier Anticipatory Bail applications, the respondent police has not taken any steps to secure the accused who are petitioners herein, though this Court has directed. He further states that the investigation is still pending. The conduct of the respondent shows that the custodial interrogation of the petitioners is not necessary in this case.

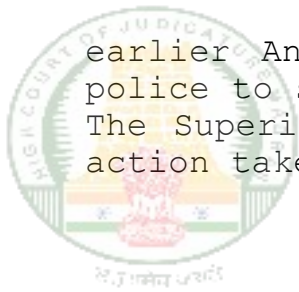
4. The learned counsel for the petitioner states that the respondent police has not taken any steps to progress the investigation in this case and there is no previous cases against the first accused as alleged by the respondent and the petitioners are prepared to co-operate with the investigation, whenever they require and the petitioners are always available in their village and they are not hiding anywhere else.

5. The learned Government Advocate(CrI. Side) also states that even after the direction given by this Court to the respondent police, the respondent police has not taken any steps to secure the petitioners for custody. The learned Government Advocate(CrI.Side) also states that the respondent police is lethargic in securing the petitioners herein, though the petitioners are available in the village.

6. The learned Government Advocate(CrI. Side) has also not chosen to file the list of the 28 previous cases in respect of the first accused, though this Court has directed to file it.

7.Considering the facts and circumstances of the case, this Court is 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 before the learned District Munsif cum Judicial Magistrate No, Peraiyur, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. The Superintendent of Police, Madurai, is directed to initiate the action against the concerned Inspector of Police for not securing the accused, though this Court has dismissed the



earlier Anticipatory Bail application and directed the respondent police to secure the petitioners herein for custodial interrogation. The Superintendent of Police, Madurai is also directed to send the action taken report to the Registry.

sd/-
27/04/2017

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAIYUR
 - 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
 - 3 THE SUB INSPECTOR OF POLICE,
SAPTUR POLICE STATION
 - 4 THE SUPERINTENDENT OF POLICE
MADURAI
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +4. CC to M/S.E.R.GURUBALACHANDRAN Advocate SR.No.21448,21449
- SM:KKR:SAR 4;27/04/2017:3p/10c

ORDER
IN
CRL OP(MD) Nos.4545 & 4546 of 2017
Date :27/04/2017