



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

Thursday, the Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.AUTHINATHAN

Crl.O.P(MD)Nos.5631 & 5693 of 2017

1 G.SAHAYA ANTONY
2 F.VARGHESE
3 STEPHEN

... PETITIONERS/ ACCUSED NOS.5,6 & 8
IN Crl.O.P(MD)Nos.5631 of 2017

1.THObIYAS
2.DEVARAJ

...PETITIONER/ACCUSED NOS.7 & 9
IN Crl.O.P(MD)Nos.5693 of 2017
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.97 OF 2017)

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.C.K.M.APPAJI Advocate
IN Crl.O.P(MD)Nos.5631 of 2017

For Petitioner : M/S.K.P.NARYANAKUMAR, Advocate
IN Crl.O.P(MD)Nos.5693 of 2017

For Respondent : M/S.K.ANBARASAN, Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

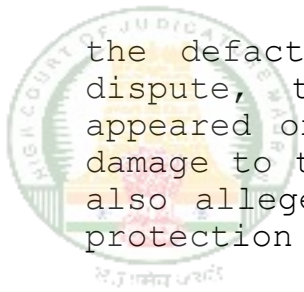
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.5, 6 and 8 in Crl.O.P(MD)No.5631 of 2017 and the petitioners/Accused Nos.7 and 9 in Crl.O.P(MD)No.5693 of 2017, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 448, 294(b), 379 and 506(ii) IPC and Section 3(1) of TNPPDL Act, 1992 in Crime No.97 of 2017 on the file of the respondent police, seek anticipatory bail.

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

3.According to the prosecution, A.2 in this case filed a civil suit against the defacto complainant and obtained an order of injunction from interfering with the possession and subsequently,



the defacto complainant opened a new shop and due to the civil dispute, the second accused along with the petitioners herein appeared on the scene of occurrence and assaulted them and caused damage to the CCTV camera, which was valued at Rs.25,000/- and it is also alleged that the petitioners prevented the police from giving protection to the defacto complainant.

4.The learned counsel for the petitioners would submit that the main accused in this case were already arrested and released on bail and the petitioners are innocent and they are Village people and they have been falsely implicated in this case and they are willing to co-operate with the Investigating Agency and that anticipatory bail may be granted to the petitioners.

5.The learned Government Advocate (Crl.Side) submits that due to civil dispute, the alleged occurrence has taken place and the co-accused were arrested and released on bail.

5.Having regard to the fact that the main accused, namely A.2 and A.4, were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners. 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, Padmanabhapuram on condition that each of 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 petitioners shall report before the Kovilpatti West Police Station daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.

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

[c] the petitioners shall not abscond either during investigation or trial.

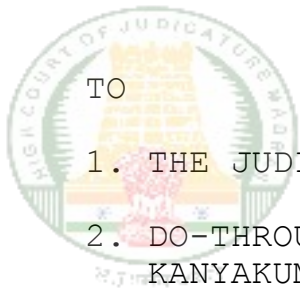
[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

04/05/2017

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



TO

1. THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
KOVILPATTI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.21865

+1. CC to M/S. K.P.NARYANAKUMAR Advocate SR.No.21873

ORDER IN

CrI.O.P(MD)Nos.5631 & 5693 of 2017

Date :04/05/2017

MS/PM.PN/SAR-4/05.05.2017/3P.8C