

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13113 of 2018

1 GANESH KUMAR,
2 MURUGAN
3 RAJENDIRAN,
S/O.PERUMAL
4 RAJENDIRAN
S/O.PACHAIPPAN
5 ANBALAGAN,
6 NEELAGANDAN,
7 MUTHUSAMY,

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
AVALURPETTAI POLICE STATION,
CR.NO.94 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.THAMARAISELVAN Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 352, 452, 506 (ii) & 307 IPC r/w 3 PPD Act in Crime No.94 of 2018, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioners has submitted that due to quarrel arose between the two political parties, a false case has been foisted against the petitioners. He has also submitted that no one sustained injury. He has further submitted that the counter case has also been registered and also some of the accused persons were arrested and subsequently released on bail. Hence, he prays for granting anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor has fairly conceded that the counter case has been registered and no one has sustained injury, however, she opposed this petition.

5.Considering the fact that the counter case has been registered and no one has sustained injury and also the fact that some of the accused persons have been arrested and subsequently released on bail, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Judicial Magistrate Court Gingee, Villupuram District, within a period of 15 days from the date of receipt of a copy of this order, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
24/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
AVALURPETTAI POLICE STATION,

+1 CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary
charges-Sr.9531

CRL OP.13113/2018

Date :24/05/2018

ths : 28.05.2018