

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.13217 of 2018

1 SANKAR GANESH,
2 RAJAVEL

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT
CR.NO.422 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.VISWAGANDHI Advocate

For Respondent : MRS.M.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 offences punishable under Sections 379, 353, 506(i), 307 of IPC read with Section 21 (i) of MMDR Act in Crime No.422 of 2018, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioners submitted that the petitioners have taken sand from their patta land for their own use. But the Village Administrative Officer gave a false complaint stating that the petitioners have taken the sand illegally. He further submitted that no one sustained any injury, but the case has been registered as the petitioners have attempted to commit murder of the said Village Administrative Officer. He further submitted that already accused no.1 was arrested and subsequently released on bail. Hence he has requested to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent fairly conceded that no one has sustained any injury and also admitted that already A1 was arrested and subsequently released on bail.

5.Taking into consideration of all the aforesaid facts and circumstances, this Court is inclined to grant anticipatory bail to

the petitioners with certain conditions.

6. 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.II, Villupuram on condition that the petitioners shall execute 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

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

(v) 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]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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,
NO.II, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT

+1 CC to M/S.S.VISWAGANDHI Advocate on payment of necessary
charges-Sr.9463

CRL OP.13217/2018

Date :24/05/2018

ths : 29.05.2018