

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.13756 of 2018

1 THANGAVEL,
2 RAVI @ GOKUL RAVI @,
LAKSHAMANA MOORTHY,
3 PALANISAMY,
4 ESWARAMOORTHY,
S/O.APPUSAMY GOUNDER
5 RAMESH @ GOVINDASAMY,
6 KUMARASAN,
7 SOMASUNDARAM,
8 MAHESH,
9 SUSENDAR,
10 SURESHMOORTHY,
11 SUNDARAMOORTHY,
12 ESWARAMOORTHY,
S/O.SIVANMALAI GOUNDER,
13 MOHANRAJ,
14 VISHWANTHAN,
15 ESWARAMOORTHY,
S/O.SAMINATHAN,
16 GNANASEKAR,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
PALLADAM SUB DIVISION,
TIRUPPUR DIST.
CR.NO.170 OF 2018.

[RESPONDENT]

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.170 of 2018 registered by the respondent police for the offences punishable under Sections 147, 341, 353, 506(i) of IPC and r/w Section 4(1)(a) (d) (e) of TNP Act.

2. The case of the prosecution as per the de-facto complainant Aruchamy, who is working as Inspector of Police, Avinashipalayam Police Station, is that the petitioners were manufacturing coconut toddy and selling it in the village.

3. The learned counsel for the petitioners would submit that the petitioners are agriculturists and that they have been falsely implicated in this case as if they were preparing coconut toddy. He would further submit that there is no previous case as against the petitioners. Therefore, they may be granted anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioners, who are villagers, have been manufacturing coconut toddy without proper permission.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also the fact that there is no previous case against the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following 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, Palladam, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety, 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners shall not abscond 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
06/06/2018

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAMANAICKENPALAYAM POLICE STATION,
PALLADAM SUB DIVISION,
TIRUPPUR DIST.

+1 CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges-Sr.10042

CRL OP.13756/2018

Date :06/06/2018

ths : 08.06.2018