

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15480 of 2018

A.MUNIYAPPAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ATTAYMAPATTI POLICE STATION,
SALEM DISTRICT
CR.NO.206 OF 2018.

[RESPONDENT]

For Petitioner : M/S.V.GUNASEKAR 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 petitioner seeks anticipatory bail in Crime No.206 of 2018 registered by the respondent police for the offence under Sections 3 (1) of TNPPDL Act, 1984.

2. The case of the prosecution is that subsequent to a death of a political leader, the petitioner along with other accused indulged in rioting and caused damage to the Government bus.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the member of a political party. However, he would submit that without prejudice to his contention to prove his *bona fides*, the petitioner is prepared to deposit a sum of Rs.5,000/- to the credit of Crime No.206 of 2018.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused indulged in rioting and caused damage to the Government bus, after the death of a political leader.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the petitioner is prepared to deposit a sum of Rs.5,000/- to the credit of Crime No.206 of 2018, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-IV, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 petitioner 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) in respect of Crime No.206 of 2018, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate concerned shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/06/2018

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,
NO.IV, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ATTAYMAPATTI POLICE STATION,
SALEM DISTRICT

+1 CC to M/S.V.GUNASEKAR Advocate on payment of necessary
charges SR.NO. 10944

CRL OP.15480/2018

Date :18/06/2018

RD 27/06/2018