

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION NOS.17121 AND 17164 of 2018

1 VINODH	[PETITIONERS / ACCUSED
2 GUNASEKARAN	IN CRL.OP.NO.17121 OF 2018]
3 JAYAPAL	
4 GOVINDARAJ	
5 JYOTHIBASU	
6 MAHENDRAN	
7 MURUGAN	
8 SELVAM	
9 VIMAL	

P.PANNEERSELVAM	[PETITIONERS / ACCUSED
	IN CRL.OP.NO.17164 OF 2018]

Vs

STATE REP. BY	[RESPONDENT
THE INSPECTOR OF POLICE,	IN BOTH THE PETITIONS]
NEEDAMANGALAM POLICE STATION,	
TIRUVARUR DISTRICT.	
CR.NO. 181 OF 2018	

For Petitioner : M/S.K.M.SUBRAMANIAM Advocate
[IN CRL.OP.NO.17121 OF 2018]

For Petitioner : M/S.D.BHARATHY Advocate
[IN CRL.OP.NO.17164 OF 2018]

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

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.181 of 2018 registered by the respondent police for the offences under Sections 147, 148, 341, 294(b), 355, 324, 506(ii), 379 of of IPC and Section 3(1) of Tamil Nadu Prevention of Damage to Public Property Act, 1984.

2. The case of the prosecution as per the defacto complainant one Mahesh is that on 29.06.2018 at around 8.00 a.m., while he was travelling along with two others through Anumanthapuram village, a harvesting machine was stopped in the middle of the road and when

the defacto complainant had asked the driver of the harvesting machine to move the vehicle away, there was a quarrel and that 13 named accused and others had abused the defacto complainant with filthy language and also assaulted him and taken away 2 ½ sovereigns from him. Further, the accused had also assaulted him with iron pipes and also caused damage to the car and also taken away an amount of Rs.40,000/- from his pocket.

3. The learned counsel for the petitioners would submit that they are villagers belonging to Anumanthapuram village and that the defacto complainant had driven the car in a rash and negligent manner and that there was a dispute between the accused, who are villagers and the defacto complainant and that when the defacto complainant asked the accused to move the harvesting machine from the middle of the road, there was a quarrel in the road and it had been blown out of proportion and a case has been registered against the petitioners as if they joined together and committed theft of an amount of Rs.40,000/- from the defacto complainant.

4. The learned Additional Public Prosecutor would submit that during the quarrel that institute between the villagers and the defacto complainant, the accused, who are villagers belonging to Anumanthapuram village, had assaulted the defacto complainant and also taken away the chain weighing 2 ½ sovereigns and Rs.40,000/- from the defacto complainant.

5. Taking into consideration the facts of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioners.

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 District Munsif-cum-Judicial Magistrate, Needamangalam, 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 said on further condition that:-

[a] if the petitioners fail to surrender before the concerned Magistrate, within a period of fifteen 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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/-
10/07/2018

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.M.SUBRAMANIAM Advocate on payment of necessary charges in SR.NO. 12668

+1CC to M/S.D.BHARATHY Advocate on payment of necessary charges in SR.NO. 12627

CRL OP.NOS.17121 & 17164 OF 2018

Date :10/07/2018

MLT-18/07/2018