

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17325 of 2018

1 RAJESH
2 MURALI

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.286 OF 2018

[RESPONDENT]

For Petitioner : M/S.S.NEDUNCHEZHIAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL 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.286 of 2018 registered by the respondent for the alleged offence punishable under Sections 147, 148, 353, 341, 188, 427 of IPC r/w Section 3 of TNPPDL Act.

2. The case of the prosecution as per the defacto complainant one Janani is that the petitioners along with other accused caused damage to the toll plaza while indulging in agitation for non formation of Cauvery Water Management Board.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the main accused in this case have been arrested and enlarged on bail. However, he would submit that without prejudice to their contentions, the petitioners, to show their *bona fides*, are prepared to deposit a sum of Rs.2,000/- each totalling to Rs.4,000/- before the Magistrate.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused caused damage to the Toll Plaza and the damage has been estimated to be Rs.1,00,000/-.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and the fact that the petitioners are prepared to deposit Rs.2,000/- each,

without prejudice to their contentions, 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 before the learned Judicial Magistrate, Ulundurpet, within a period of fifteen days from the date of receipt of a copy of this order on their executing a separate 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 the said Magistrate, on further condition that:

[a] each of the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime No.286 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

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

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

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

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

[g] 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]**.

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

-sd/-
16/07/2018

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 JUDICIAL MAGISTRATE,
ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S.S.NEDUNCHEZHIAN Advocate on payment of necessary
charges SR NO.13133

CRL OP.17325/2018

Date :16/07/2018

MK:20/07/2018