

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17798 of 2018

1 KARUVAYAN@NATARAJAN

[PETITIONERS / ACCUSED]

2 RAJENDRAN

3 RAMACHANDRAN

4 PALANI @ PALANIVEL

5 BOOPALAN

6 RAMALINGAM

7 KARTHIK

8 NALLATHAMBI

9 M.SUBHA

10 SURIYAKALA

11 SUBRAMANIYAN

12 MANOHARAN

13 JOTHI @ JOTHIMANI

14 KALAISELVI @ VELLIYAMMAL

15 KATHIRVEL @ VIJAYAKUMAR

16 PERIYASAMY

17 MUTHIAN

18 RAMASAMY

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

GANGAVALLI POLICE STATION,

GANGAVALLI POST&TALUK,

SALEM DISTRICT.

CR.NO.329 OF 2014.

For Petitioner : M/S.P.GANESAN 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.329 of 2014 registered by the respondent for the alleged offence punishable under Sections 147, 148, 294(b), 323, 354, 506(ii) and 307 of IPC.

2. The case of the prosecution is that on 11.11.2014, the petitioners along with other accused assembled near the Temple Car and criminally intimidated the defacto complainant and others.

3. The learned counsel for the petitioners would submit that there was a group clash during a temple festival and that the persons belonging to the village have been falsely implicated in this case. He would also submit that the case relates to the year 2014 and the major part of the investigation is also over. He would submit that the petitioners were earlier granted anticipatory bail by this Court on 25.04.2018 in CrI.O.P.No.11256 of 2018 to the condition that the petitioners should surrender before the Judicial Magistrate-II, Attur within a period of 15 days. He would submit that some of the petitioners are employed elsewhere and some of the petitioners are women folk and they were unable to appear and execute sureties on the same day, they were unable to surrender within a period of 15 days and thereby, the earlier order was lapsed. He would submit that the petitioners may be granted anticipatory bail on any stringent condition and imposition of costs.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were earlier granted anticipatory bail by this Court on 25.04.2018 in CrI.O.P.No.11256 of 2018 and that they have not surrendered before the concerned court within a period of 15 days as imposed by this Court.

5. Taking into consideration the facts of the case and the submissions made by the counsels, 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-II, Attur, on condition that the each of the petitioner 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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

[b] each of the petitioner shall pay cost of Rs.1,000/- (Rupees One Thousand only) each to the concerned Taluk Legal Services Authorities.

[c] the petitioners shall appear before the learned Judicial Magistrate No.II, Attur, daily at 10.30.a.m. for a period of one week and thereafter, on the hearing dates, without fail, unless their absence is condoned by filing a petition under Section 317 Cr.P.C.

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

[e] the petitioners 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 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]**.

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

-sd/-
23/07/2018

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 NO.II
ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
GANGAVALLI POST&TALUK,
SALEM DISTRICT

5 THE SECRETARY
TALUK LEGAL SERVICES AUTHORITIES, SALEM

+1CC to M/S.P.GANESAN Advocate on payment of necessary charges

SR.NO. 13762

CRL OP.17798/2018

Date :23/07/2018

cm 31/07/2018