

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18808 of 2018

1 V.KALIYA PERUMAL,
2 K.MANIKANDAN,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.
CR.NO.292 OF 2018

[RESPONDENT]

For Petitioner : M/S.K.C.PANNEER SELVAM Advocate

For Respondent : MR. M.MOHAMED RIYAZ, 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.292 of 2018 registered by the respondent for the alleged offence punishable under Sections 147, 294(b), 323, 506(ii) of IPC and Section 3(1) of TNPPDL Act.

2. The case of the prosecution as per the defacto complainant is that on 21.06.2018 at about 9.30.p.m, the petitioners along with three unknown persons came drunk in a swift car to the Petrol Bunk belonging to the defacto complainant and demanded diesel on loan and that when that was denied by the Manager, the petitioners got provoked and abused the defacto complainant with obscene and filthy language and also assaulted the Manager of the Petrol Bunk and caused damage to the sign boards by pelting stones.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession statement of the arrested accused. 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.5,000/- each totalling to Rs.10,000/- before the Magistrate.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused created ruckus in the Petrol

Bunk belonging to the defacto complainant and assaulted the Manager and also caused damage to the sign boards worth about Rs.25,000/-. He would submit that the arrested accused have been released on bail.

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.5,000/- 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, Perambalur, within a period of fifteen days from the date of receipt of a copy of this order on their executing 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 the said Magistrate, on further condition that:

[a] each of the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) totalling to Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.292 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/-
27/07/2018

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP. BY
THE INSPECTOR OF POLICE,
MANGALAMEDU POLICE STATION,
PERAMBALUR DISTRICT.

+1 CC to M/S.K.C.PANNEER SELVAM Advocate on payment of necessary charges-Sr.14125

CRL OP.18808/2018

Date :27/07/2018

ths : 31.07.2018