



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1662 of 2018

1 N.SIVA @ THIRUMALAIKUMAR,
2 SAKTHI,

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.12/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.RAJESHKUMAR Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

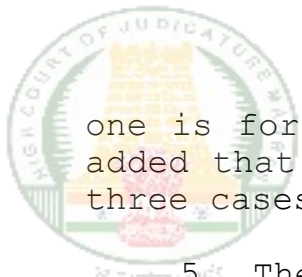
ORDER : The Court Made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 283, 143 and 188 of IPC., in Crime No.12 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 18.01.2018, when the respondent police went for enquiry regarding the death of one Thangapandian, the petitioners and 200 other accused persons had quarrelled with the police officials and thereafter, they conducted road rocko and disturbed the law and order at Cheranmahadevi bus stand. Hence, the case has been registered for the above said incident.

3.The learned counsel appearing for the petitioners submitted that the petitioners are farmers, they are innocent and they are no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that at the time of the above said incident, three cases were registered, one is for disturbance committed to law and order, second one is for caused damage to the Government Bus and the third



one is for caused damage to a two wheeler and an Auto. He further added that the petitioners are arrayed as accused in the above said three cases and the investigation is in progress.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners herein without getting any permission from the appropriate authority joined together and conducted road rocko. Accordingly, the case has been registered against the petitioners. So, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Cheranmahadevi, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the learned Judicial Magistrate No.I, Tirunelveli, daily at 10.00 a.m., until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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 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]**.

sd/-

02/02/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.RAJESHKUMAR Advocate SR.No.1929

ORDER
IN
CRL OP (MD) No.1662 of 2018
Date :02/02/2018

SMA/PM-PN/SAR-4/07.02.2018:3P/6c