



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1665 of 2018

VELAPPAN,

... PETITIONER/ ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.13/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MAHARAJAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/accused rank not known, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 506(ii) IPC and Section 3(1) of TNPPDL Act, in Crime No.13 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 18.01.2018, the petitioner and other accused unlawfully assembled and damaged the property worth about Rs.1,00,000/- and threatened with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioners submitted that he is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that no one is injured. According to him, investigation is pending.



5. Considering the submissions made on either side and the materials produced disclose that the offences under Sections 147, 148, 294(b), 506(ii) IPC and Section 3(1) of TNPPDL Act, in Crime No.13 of 2018, has been registered against the petitioner. It is alleged that during the time of occurrence, totally 200 persons unlawfully assembled and damaged the property worth about Rs.1,00,000/- So far, only one accused was arrested in this case. However, some of the accused got anticipatory bail from the Court below. Considering the offence committed by the petitioner, custodial interrogation is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his 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 the petitioner 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the Judicial Magistrate No.I, Tirunelveli daily at 10.30 a.m., until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

sd/-
02/02/2018

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TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI

2 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.MAHARAJAN Advocate SR.No.1834

GJM/RR/SAR-3-7.2.18-3P-7C

ORDER

IN

CRL OP(MD) No.1665 of 2018

Date :02/02/2018