



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1132 of 2018

1 RAMESH
2 BALAMURUGAN
3 VENKATESH @ VENKATESHWARAN

... PETITIONERS/
ACCUSED NO.2, 3 & 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUPPULANI POLICE STATION,
RAMANATHAPURAM.
(CRIME NO.3 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.UTHAYAKUMAR Advocate

For Respondent : M/S.A.ROBISON, Govt. Advocate (Crl. Side)

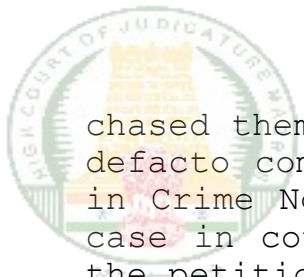
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2, A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 324 and 506(i) of I.P.C., and Section 3(1) of TNPPDL Act, in Crime No.3 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 11.01.2018, the petitioners waylaid the defacto complainant and assaulted him with stick in order to defend them from the defacto complainant party. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are no way connected with the offence, as alleged by the prosecution. He further submitted that originally, the defacto complainant and his associates assaulted the Manager of the Rameshwaram Toll-Gate, which was resulted in Crime No.7 of 2018, on the file of the Inspector of Police, Rameshwaram Town Police Station. Thereafter, the petitioners



chased them till the Thiruppullani Police limit and assaulted by the defacto complainant and his associates. So, the case was registered in Crime No. 4 of 2018 by the respondent police. This is a case of case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) submitted that the injured has already been discharged from the hospital. He further submitted that the petitioners along with one another person damaged the front glass of the bus and the investigation is still pending.

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 along with one another accused assaulted the defacto complainant and damaged the front glass of the bus. Admittedly, the person, who sustained injury at the time of alleged occurrence was treated as out patient. On going through the first information report, it was found that the value of the property was not mentioned. According to the prosecution, the property which was damaged was recovered. So, for completing the investigation, custodial interrogation of the petitioners is not necessary. 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 No.I, Ramanathapuram, 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 respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(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/-
24/01/2018

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUPPULANI POLICE STATION, RAMANATHAPURAM.

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

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.1381

ORDER
IN
CRL OP(MD) No.1132 of 2018
Date :24/01/2018

MS/PM-PN/SAR.3/31.01.2018/3P.6C