



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.1624 of 2018

KALIDASS

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.449/2012

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SENTHIL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

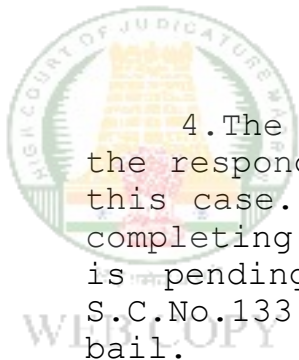
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Rank not known, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 341, 294(b), 307, 109, 302, 120(b), 149 I.P.C., and Section 3(i) of TNPPDL Act., in Crime No.449 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution on 30.10.2012, the defacto complainant, namely, Tamilmani, lodged a complaint before the respondent police stating that on the date of Thevar Gurupoojai Festival the deceased travelled in a two wheeler and raised slogans in favour of Thevar Gurupoojai, which was conducted at Pasumpon. At that time, the people belong to the Scheduled Caste Community, assaulted the persons, due to that, he was died in the spot.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, his name was not impleaded in the F.I.R and the name of the accused was impleaded one in the Charge sheet. He further submitted that the petitioner name has been falsely implicated in this case, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that totally there are 65 accused in this case. The petitioner herein is arrayed as accused no.62. After completing investigation, charge sheet has been filed and the same is pending before the Additional District Judge, Paramakudi as S.C.No.133 of 2016. Other accused in this case were released on bail.

5.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner being the 62th accused along with other accused committed this offence. As of now, after completing investigation, charge sheet has been filed and the same was pending before the Additional District Judge, Paramakudi in S.C.No.133 of 2016. So, considering the present situation, custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner. 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, Paramakudi, 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 concerned Magistrate Court daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

(i) 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

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANAD DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.D.SENTHIL Advocate SR.No.1833

ORDER

IN

CRL OP(MD) No.1624 of 2018

Date :02/02/2018

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