



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.1639 of 2018

1 NALLAMARUTHU
2 LAKSHMANAN
3 KARTHIK
4 KARMEGAM @ NIRAIKULATHAN
5 MUNIYASAMY
6 KANNAN

... PETITIONERS / A2 to A7

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.17/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.M.SUBASH BABU, Advocate for
M/S.M.SENTHIL AYYANAR Advocate

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

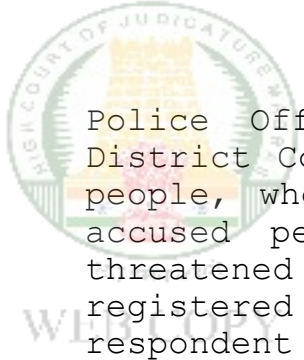
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 to A7, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 353, 506(ii) and 307 I.P.C., in Crime No.17 of 2018 , on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 29.01.2018, the petitioners unlawfully assembled and abused in filthy language, due to that, there was a quarrel arose between petitioners and the defacto complainant. Thereby, the petitioners assaulted the defacto complainant and threatening him with dire consequences.

3.The learned counsel appearing for the petitioners submitted that one of the village people prepared to burying the dead body in the prohibited area, it is the violation of District Collector's order, therefore, the Tahsildhar , Block Development Officer and



Police Officials rushed to the place and explained about the District Collector's order. But the same was not followed by other people, who are accused in Crime No.16 of 2018. Due to that, the accused persons damaged the petitioners' residential house and threatened them with dire consequences. Hence, case has been registered against the accused persons. After knowing the same, the respondent intentionally registered a false case against the petitioners. He further submitted that the petitioners are innocent persons, they have been falsely implicated, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that due to burying the dead body in the prohibited area, dispute arose between the petitioners and the defacto complainant. There are totally 8 accused in this case and the petitioners herein are arrayed as accused nos.2 to 7. He further submitted that no one sustained injury in this case. According to him, investigation is still pending.

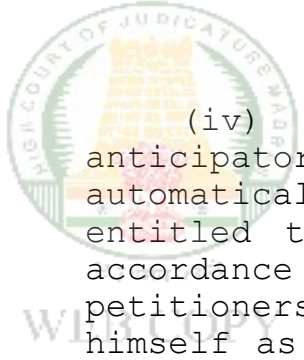
5.Upon considering the arguments advanced by either side, it disclose the the petitioners herein are arrayed as A2 to A7 in this case. The first accused in this case was already arrested and remanded to judicial custody. It is alleged that during the time of occurrence, the Revenue Officials went to the scene of occurrence, complying the order passed by this Court in W.P(MD).No.110 of 2017, dated 28.06.2017, at that time, even after knowing the order, somebody buried the dead body, due to which, the alleged offence was happened. During the time of occurrence, no one has injured. So, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners is not necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Aruppukkottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent police daily at 10.00 a.m until further orders.

(i) 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.

<https://hcservices.ecourts.gov.in/hcservices/>



(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 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].

sd/-
02/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUGHUR
- 3 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SENTHIL AYYANAR Advocate SR.No.1825

MSA
GJM/CM/VR/SAR-I-5.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1639 of 2018
Date :02/02/2018