



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

Wednesday, the Seventh day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1901 of 2018

1 MARICHAMY
2 KANNAN
3 SURESH @ SULLAN SURESH
4 MAHESH @ MASANAM
5 M.THANGAPANDIAN

...PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.LENIN PRABHU, Advocate

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

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

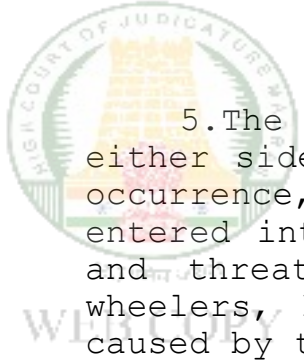
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 506(ii) IPC and Section 3(1) TNPPDL Act in Crime No.13 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to community dispute, the petitioners entered into the other community people area and threatened with dire consequences and also damaged 8 two wheelers. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) submitted that the properties which was damaged by these petitioners and other accused persons are recovered. According to him investigation is still pending.



5. The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners along with other accused in this case, entered into the area in which other community people are residing and threatened them with dire consequences and damaged 8 two wheelers, belonging to other community people. The total damage caused by the petitioners is estimated to the tune of Rs.1,00,000/-. As of now, the properties which was damaged by these petitioners and other accused persons are recovered. So, custodial interrogation may not be necessary for completing the necessary.

6. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain stringent conditions. 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 Court, Cheranmahadevi, Tirunelveli District, 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 or 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) each of the petitioner is directed to deposit a sum of Rs.5,000/- to the credit of Crime No.13 of 2018 before the learned Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

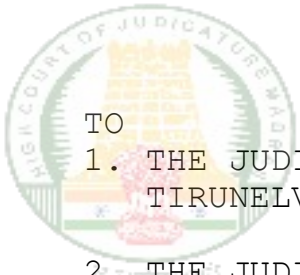
(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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 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/-

07/02/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, CHERANMAHADEVI,
TIRUNELVELI DISTRICT.

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.R.RAJESHKUMAR, Advocate SR.No.2090

ORDER

IN

CRL OP(MD) No.1901 of 2018

Date :07/02/2018

MS/CM/SAR.4/12.02.2018/3P.7C