



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2286 of 2018

1 R.MOKKAMAYAN

2 O.BASKARAN

... PETITIONERS/ACCUSED NO.2&3

Vs

THE INSPECTOR OF POLICE

THENI POLICE STATION,

THENI DISTRICT

(CRIME NO. 96 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.M.ARUMUGAM 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 petitioners/A-2 & A-3, who apprehend arrest at the hands of the respondent police for the offences under Sections 447, 294(b), 353, 506(ii) and 427 I.P.C., in Crime No.96 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with their Advocate entered into the Municipal Office and demanded to give permission for submitting application, for which, the petitioners scolded and caused annoyance by intimidating the Manager of the Municipality. Hence, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that 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 and their Advocate entered into the defacto complainant's office and demanded to receive the application submitted by the petitioners. Since this Court granted stay for taking measurement of the dispute land, the defacto complainant has refused to commit the request made by the petitioners, thereby, the petitioners scolded the Surveyor and committed this offence. Hence, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 No.I, Theni, 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.

(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 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/-
14/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.I, THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT

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

+1. CC to M/S.C.M.ARUMUGAM Advocate SR.No.2434

GJM/RR/SAR-3-26.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.2286 of 2018

Date :14/02/2018