



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2391 of 2018

1 L.VELLAPPAN

2 V.MAYANDI

... PETITIONERS / UNKNOWN ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT
(IN CRIME NO. 12 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.MICHEAL HELDON KUMAR Advocate

For Respondent : Mr.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 are arrayed as accused, apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 143, 283 and 188 of IPC, in Crime No.12 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to the death of one Thangapandian, the petitioners along with other accused made road rogue and committed the offence of public nuisance. Hence, the *defacto* complainant has lodged a complaint as against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to the death of one Thanagapandian, the petitioners along with other accused made road rogue. Hence, considering the nature of offences committed by the petitioners, custodial interrogation may not be necessary for



completing the investigation. Therefore, this Court inclined to grant anticipatory bail to the petitioners.

6. 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, Cheranmahadevi, Thirunelveli 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 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 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/-
15/02/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI,
TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUNELVELI DISTRICT



3 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.S.MICHEAL HELDON KUMAR Advocate SR.No.2572

TRP

JAM/20/02/2018/PM-PN/ SAR 2/ 3P-6C

ORDER

IN

CRL OP(MD) No.2391 of 2018

Date :15/02/2018