



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2507 of 2018

E.PASSTHAMBISELVAM @ THAMBISELVAM

... PETITIONER/
ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
PANDALKUDI, VIRUDHUNAGAR DISTRICT.
CRIME NO.45 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.J.CHAKKARAVARTHY, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

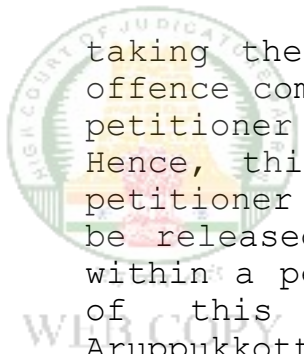
The petitioner/A-3, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 353 and 506(ii) I.P.C., in Crime No.45 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 12.02.2018, the petitioner and other accused in this case prevented the Surveyor in taking measurement at temple land. Hence, a case has been registered against the petitioner and other accused for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. He further added that the petitioner herein has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted totally there are six accused in this case. The petitioner herein is arrayed as A3. According to him, investigation is still pending.

5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner and five other accused in this case prevented the defacto complainant in



taking the measurement of temple land. Considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Aruppukkottai, Virudhunagar District, 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 respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(ii) 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/-

16/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI,
VIRDHUNAGAR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE, PANDALKUDI POLICE STATION,
PANDALKUDI, VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.J.CHAKKARAVARTHY Advocate SR.No.2589

ORDER IN

CRL OP(MD) No.2507 of 2018

Date :16/02/2018