



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

Wednesday, the Twenty First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2744 of 2018

1 THALAVAI
2 NATARAJAN
3 MUTHAIAH
4 KANNUTHAI
5 PETCHITHAI
6 ARUMUGAM
7 NATCHIYAR @ PUSHUPAM

... PETITIONERS/ACCUSED(Rank Not Known)

Vs

THE STATE
BY THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION
TIRUNELVELI DISTRICT.
(CRIME NO.232/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.VENKATESH Advocate

For Respondent : A. ROBINSON, Government Advocate(Crl. Side)

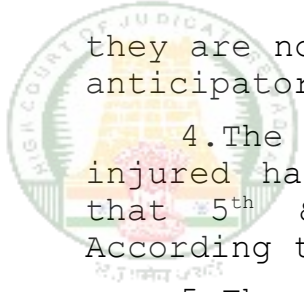
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 224 & 225 IPC in Crime No.232 of 2017, seek anticipatory bail.

2.The case of the prosecution is that on 28.07.2017 when at the time, A1 in this case was produced before the learned Judicial Magistrate, Nanguneri for remand. The petitioners along with other accused unlawfully assembled and assisted the first accused for escaping from the custody of the Police. Further the accused persons have assaulted the two constables with deadly weapons and caused injury on the left hand elbow and right hand elbow. Hence, the present case 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 injured has been discharged on 04.08.2017. He further submitted that 5th & 6th petitioners are not an accused in this case. According to him investigation is still pending.

5.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition in respect of 5th and 6th petitioners. He has also made an endorsement to that effect. In view of the same, this Criminal Original Petition is dismissed as withdrawn in respect of 5th and 6th petitioners.

6.Having regard to the other accused, the submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence the petitioners and nearly 200 people were entered into the Court premises and attempt to secure A1, who was arrested in another case. Considering the nature of offence committed by the petitioners, the offence committed by the petitioners is nothing but emotional one. Hence, custodial interrogation may not be necessary for completing the investigation.

7.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 only to the petitioners No.1 to 4 & 7, 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, Nanguneri, 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 No.1 to 4 & 7 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 No.1 to 4 & 7 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners No.1 to 4 & 7 shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners No.1 to 4 & 7 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners No.1 to 4 & 7 in accordance with law as if the



conditions have been imposed and the petitioners No.1 to 4 & 7 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]**.

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sd/-
21/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.D.VENKATESH Advocate SR.No.2827

SMA / CM-VR/SAR 1/02/03/2018 : 3P - 6C

ORDER
IN
CRL OP(MD) No.2744 of 2018
Date :21/02/2018