



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2824 of 2018

KALIDASAN @ KALIDASS

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
EMANESWARAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.147 OF 2012)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SENTHIL Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 323, 324, 307 and 302 I.P.C and Section 3 of TNPPDL Act, in Crime No.147 of 2012, seeks anticipatory bail.

2.The case of the prosecution is that due to the communal rites in Thevar Gurupoojai, the Scheduled Caste Community assaulted the persons, due to that impact, one person was died in the spot. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he had not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate(Criminal Side) appearing for the State submitted that after completing investigation, charge sheet has been filed and the same was taken on file as P.R.C.No.17 of 2013, on the file of the learned Judicial Magistrate, Paramakudi.

5.The submissions made by the learned counsel appearing on either side are considered. The alleged offence was happened due to the communal rites in Thevar Gurupoojai. According to prosecution, after completing investigation, charge sheet has been filed and the same was taken on file as P.R.C.No.17 of 2013 on the file of the Judicial Magistrate, Paramakudi. Therefore, considering the stage of the case, custodial interrogation of the petitioner does not arise. 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, Paramakudi, 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 concerned Magistrate Court daily at 10.30 a.m until further orders.

(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 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/-
22/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION, EMANESWARAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.D.SENTHIL Advocate SR.No.2929

ORDER

IN

CRL OP(MD) No.2824 of 2018

Date :22/02/2018

PK/PM-PN/SAR-4/28.02.2018 : 2P/6C