



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

Friday, the Twenty Third day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2856 of 2018

1 BEEMARAV
2 JOTHIRAJ
3 SUNDARRAJ

... PETITIONERS/ACCUSED No.1,2 and 3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.44/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.ALAGUMANI 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/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 188, 341 and 353 of I.P.C., in Crime No.44 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the driver of the TNSTC bus. In his complaint he alleged that on 14.02.2018 morning, the petitioners and other 50 persons, including general public and students joined together and conducted agitation with regard to the issue involved in Enam Reddiyapatti Government High School. Thereby, they prevented the movement of the Government bus and caused public nuisance. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the investigation is going on.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners and other 50 persons formed a gang and made agitation as against the discrimination of Scheduled Caste students committed in Enam Reddiyapatti Government High School. Further, except the offence under Section 353 of IPC., all other petition mentioned offences are bailable in nature. So, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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 No.II, Virudhunagar, 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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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/-
23/02/2018

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TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

ORDER

IN

CRL OP(MD) No.2856 of 2018

Date :23/02/2018

SMA/CM-VR/SAR-1/02.03.2018:3P/5C