



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3727 of 2018

1 PERUMAL @ VIJAYAPANDI
2 MURUGAN @ RAMACHANDRAN
3 RAMAMOORTHY

... PETITIONERS/ACCUSED No.2,3 & 4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.398/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.PRABU, Advocate

For Respondent : M/S.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 are arrayed as A2, A3 and A4 in Crime No. 398 of 2017 on the file of respondent police, for the alleged offences punishable under Section 147 IPC and Section 3 of TNPPDL Act @ Section 3 of TNPPDL Act, seek anticipatory bail.

2.The case of the prosecution is that due to the political motive, on 01.09.2017, there was a wordy quarrel happened between the petitioners and the de-facto complainant, due to which the petitioners and other accused persons in this crime damaged the property worth about Rs.2,00,000/-. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. Further he would submit that they have been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that there are 32 accused in this case. The



petitioners are arrayed as A2, A3 and A4. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners being A2, A3 and A4 along with other accused intercepted the car owned by the de-facto complainant and damaged the property worth about Rs.2,00,000/-. As of now, the property which was damaged during the time of occurrence recovered for the purpose of investigation. Considering the facts and circumstances of the case, custodial interrogation may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail, 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 Court, Sivagiri, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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. until further orders.
- (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 petitioners 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/-
09/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.PRABU Advocate SR.No.3806

ORDER

IN

CRL OP (MD) No.3727 of 2018

Date :09/03/2018

PK/PN/SAR-2/14.03.2018 : 3P/6C