



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

Monday, the Nineteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4278 of 2018

S.BALAMURUGAN

... PETITIONER / 2nd ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
BAZAR POLICE STATION, RAMANATHAPURAM.
(UNDER CRIME NO.52 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.R.LAXMAN 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 petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147 and 148 of IPC., and Section 3 & 4 (a) of the Explosive Substances Act, in Crime No.52 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant belonged to different political parties. Due to that political motive, the first accused and other accused had thrown the petrol bomb into the defacto complainant's house. Hence, the present case has been registered against the petitioner and other accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that due to political motive, the petitioner and the other accused have committed the crime. He further submitted that the first accused was already arrested and the petitioner is arrayed as the second accused. According to the prosecution, the investigation is still pending.



5. The submissions made by the learned counsels appearing for either side are considered. As per the case of prosecution, based on the CCTV footage, the involvement of the petitioner was identified by the respondent police, for which the learned Government Advocate (Criminal side) fairly conceded that the petitioner is not having any direct participation in the alleged offence. Moreover, as of now, the material objects, which are necessary for proving the case of prosecution are recovered. Utmost, at the time of alleged occurrence, some of the persons had thrown petrol bomb into the house of the defacto complainant. Hence, the above said facts and other circumstances of the case clearly reveals that custodial interrogation may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate No.I, Ramanathapuram, 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 10.30 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 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 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/-

19/03/2018

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE,
BAZAR POLICE STATION,
RAMANATHAPURAM.

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

+1. CC to M/S.K.R.LAXMAN Advocate SR.No.4352

PJL

JAM/23/03/2018/ CM-VR / SAR 2/ 3P-6C

ORDER

IN

CRL OP(MD) No.4278 of 2018

Date :19/03/2018