



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

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21588 of 2018

1.BHARATHIRAJAN,
2 PALANI @ PALANIKUMAR,
3 RAMAMURTHY,
4 MURALI,
5 GANESAN @ GANESAMURTHY,

... PETITIONERS / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.81/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.KARTHIKEYA VENKITACHALPATHY Advocate

For Respondent : MR.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 petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 153(A), 294(b), 447 and 506(ii) IPC, in Crime No.81 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 03.12.2018, when the defacto complainant, correspondent of Saint Anna, Metric Higher Secondary School, is conducting class in her school at about 12.30 hours, about 50 persons belonged to Hindu Munnani and VHP forcibly trespassed into the school premises and scolded against the Christian faith. Further, they raised slogans against the school management for their compulsion among the students to wear shoe during the holy fasting month, and threatened with dire consequences.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent.



4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Rameswaram on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, 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 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]**. and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

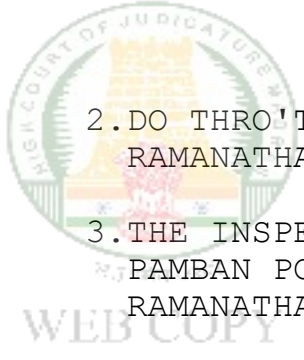
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06/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
RAMESWARAM, RAMANATHAPURAM DISTRICT.



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

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

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

+1cc to MR.M.KARTHIKEYA VENKITACHALPATHY, Advocate in SR.No. 22790

ORDER

IN

CRL OP (MD) No.21588 of 2018

Date :06/12/2018

das

AE/VR MMS/SAR1/11.12.2018/3P/6C