



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

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4623 of 2018

M.THANGARASU,

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKOTTAI DISTRICT.
(IN CRIME NO.82 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.GANAPATHI SUBRAMANIAN 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 :-

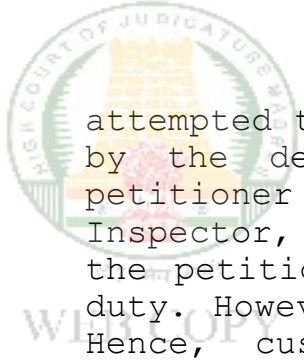
The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353 and 506(ii) I.P.C., in Crime No.82 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that while the petitioner and other accused in this case were stealing the river sand illegally, at that time, the defacto complainant who is the Revenue Inspector of Viralimalai questioned the same, for which, the petitioner and other accused in this case threatened the defacto complainant. 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 and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that investigation is still pending.

5.The submissions made on by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner and other accused in this case had



attempted to steal away the river sand, when the same was questioned by the defacto complainant who is the Revenue Inspector, the petitioner and other accused in this case threatened the Revenue Inspector, for which, the case has been registered. So, abruptly, the petitioner retained the defacto complainant from discharge her duty. However, in the alleged occurrence, no body sustained injury. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Further, considering the nature of offence committed by the petitioner, this Court decided to impose some stringent condition for granting anticipatory bail to the petitioner. 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, Keeranur, 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 Tharapuram Town Police Station, Pudukkottai District daily at 10.00 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 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/-
23/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
KEERANUR

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

Copy to:

THE SUB INSPECTOR OF POLICE,
THARAPURAM TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.4726

ORDER

IN

CRL OP (MD) No.4623 of 2018

Date :23/03/2018

SMA/RR-CSL/SAR-1/28.03.2018:3P/7c