



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4725 of 2018

1 THANGAM
2 BANUMATHI
3 MANIMARAN
4 SALINI
5 KAMAL
6 KARMEGAM
7 JEYAKUMAR
8 ARCHUNAN

... PETITIONERS / ACCUSED Nos.1 to 8

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO. 22/2018)

... RESPONDENT / COMPLAINANT

KARMEGAM

... PETITIONER / INTERVENER/
DEFACTO COMPLAINANT
IN CRL MP(MD)No.2415/18

For Petitioners : Mr.M.S.JEYAKARTHIK Advocate

For Respondent : Mr.A.ROBINSON Govt. Advocate (Crl. Side)

For Intervener : Mr.K.KUMARAVEL, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b) and 506(ii) I.P.C., in Crime No.22 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners herein abused the defacto complainant by using the filthy language and serious life threat to the defacto complainant with dire consequences. Hence, a case has been registered 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. Hence, he prays for anticipatory bail.

4.The learned counsel appearing for the intervenor submitted that the defacto complainant is having the land in Survey No.75/5, Panithivayal South Village, Ramanathapuram District, is a Government Porampoke land. In that land, the petitioners herein encroached that land, put up a shed and subsequently they got patta in their name. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.side) appearing for the State submitted that investigation is still pending.

6.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioners and the defacto complainant are having the civil dispute over the property, for which, the alleged offence was happened. Further, during the time of alleged occurrence, the petitioners showing the aruval towards the defacto complainant and made threatening to him. Except the above, no allegation is leveled by the defacto complainant against these petitioners. Thereby, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Thiruvadanai, 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. 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 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]**.

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sd/-
27/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM
- 3 THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.4990

msa
JAM/06/04/2018/ PN / SAR 4/ 3p-6c

ORDER
IN
CRL OP(MD) No.4725 of 2018
Date :27/03/2018