



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4743 of 2018

1 SINGAPERUMAL

2 H.MARI @ VIJAYMARI

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

CHERANMAHADEVI POLICE STATION,

TIRUNELVELI DISTRICT,

CRIME NO. 13 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.LENIN PRABHU Advocate

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

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

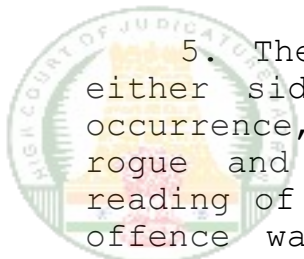
ORDER : The Court Made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 506(ii) I.P.C., and Section 3(1) of TNPPDL Act., in Crime No.13 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to community dispute, the petitioners entered into an area, which other community people residing, threatened with dire consequences and also damaged 8 two wheelers. 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 been falsely implicated in this case, they have 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 State submitted that the properties which was damaged by these petitioners and other accused persons have been recovered. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners and other accused in this case made road rogue and condemning the death of one Thangapandian. On whole reading of the averments made in the F.I.R., shows that the alleged offence was happened due to the death of Thangapandian. Except Section 506(ii) I.P.C., all other petition mentioned offences are bailable in nature. Further, the damaged properties were recovered by the respondent police. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners. 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, Cheranmahadevi, 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) each of the petitioner is directed to deposit a sum of Rs.5000/- (Rupees five thousand only) to the credit of Crime No.13 of 2018 before the learned Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District, without prejudice his defence before the trial Court.

(ii) the petitioners shall report before the learned Judicial Magistrate No.I, Tirunelveli, daily at 10.00 a.m. until further orders.

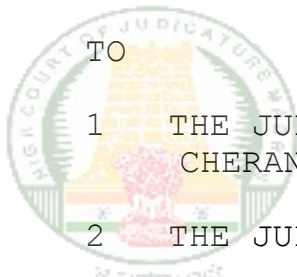
(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) 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].

sd/-
27/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

3 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

4 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.LENIN PRABHU Advocate SR.No.4834

MSA

CSL/PMI/SAR-IV/06.04.2018 :3P/7C

ORDER

IN

CRL OP(MD) No.4743 of 2018

Date :27/03/2018