



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

Friday, the Twelfth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.492 of 2018

1 PANCHAVARNAM @ PANCHU
2 ARASUPANDI
3 VIJAYAPANDI
4 SAHAYA PRAVEEN @ PRAVEENKUMAR
5 THAYAL

... PETITIONERS/ACCUSED
No.9,6,7,5,2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
PERUNKUDI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 5/2013)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.C.ELELARASU for M/S.K.M.VIVEKANANTHAN Advocate
For Respondent : MR.K.CHELLAPANDIAN, Additional Advocate General
Assisted by MR.C.RAMESH,
Additional Public Prosecutor,

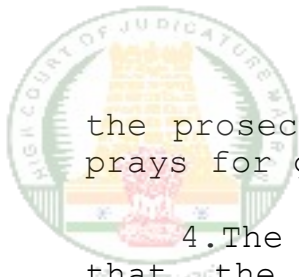
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A.9, A.6, A.7, A.5 and A.2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 379, 294(b), 506(i) I.P.C., and Sections 21 and 23 of Mines and Minerals Development Regulation Act altered into Sections 147, 148, 447, 379, 294(b), 506(i) I.P.C read with Section 109 I.P.C and Sections 21, 23 of Mines and Minerals Development Regulation Act r/w Section 3(1) of TNPPDL Act altered into Sections 147, 148, 447, 379, 294(b), 506(i) I.P.C read with Section 109 I.P.C and Section 3(1) of TNPPDL Act, in Crime No.5 of 2013 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused threatened the defacto complainant with dire consequences.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged in



the prosecution and there is no specific overtact against them and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the case was taken on file in P.R.C.No.64 of 2016 and pending on the file of the learned Judicial Magistrate No.VI, Madurai for committal proceedings.

5.The submissions made by the learned counsel appearing on either side are considered. As per the submission made by the learned Government Advocate (Criminal Side) that the case was taken on file in P.R.C.No.64 of 2016 and pending on the file of the learned Judicial Magistrate No.VI, Madurai for committal proceedings, custodial interrogation of the petitioners is not necessary for completing the process of trial.

6.Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners 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 No.VI, Madurai District on condition that each of the petitioners 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) **the petitioners shall report before the learned Judicial Magistrate No.VI, Madurai daily at 10.30 a.m., for a period of two weeks and on all further future hearings regularly.**

(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 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/-

12/01/2018

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TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
PERUNKUDI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.K.M.VIVEKANANTHAN Advocate SR.No.719

ORDER
IN
CRL OP(MD) No.492 of 2018
Date :12/01/2018

SMA/CM-VR/SAR-4/19.01.2018:3P/6c