



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.816 of 2018

S.PRAVINKUMAR,

... PETITIONER/ACCUSED NO.5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ADIVARAM POLICE STATION,
PALANI.

IN CR.NO.13 OF 2018,
DINDIGUL DISTRICT.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.KARTHIK Advocate

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

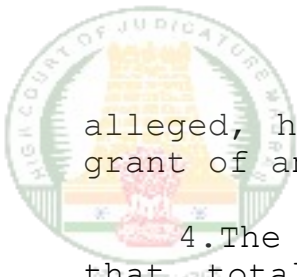
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 399 and 402 I.P.C., in Crime No.13 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.01.2018, when the Sub Inspector of Police along with his subordinates were in patrol duty, at that time, the petitioner and other accused persons have threatened the shop keepers and collected the money, on seeing the police officials, they were fled away from the scene of occurrence. Hence, the respondent police registered a case against the accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the Secretary of Political Party, he conducted the various agitation against the police and other officials to remove the encroachments in the Giri Veedhi of the Adivaram, Palani, Dindigul District. He further submitted that the petitioner did not maintain the law and order during the festival time. Due to the previous enmity, the petitioner has been falsely implicated in this case, he has not committed any offence as



alleged, he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that totally there are five accused in this case, in which, petitioner is arrayed as A5. He further submitted that he is having one previous case. According to him, investigation is not completed.

5. Considering the submissions made by the learned counsel on either side, it appears that the offence under Sections 399 and 402 I.P.C, has been registered against the petitioner. According to prosecution, during the time of occurrence, the petitioner and other four accused persons in this case assembled and planned to commit offence. Except assembling, no offence was committed by the petitioner. So, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Palani, Dindigul District, 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 respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(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/-

18/01/2018

/ TRUE COPY /



ls/msa
TO

1 THE JUDICIAL MAGISTRATE, PALANI, DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE,
ADIVARAM POLICE STATION, PALANI, DINDIGUL DISTRICT.

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

+1. CC to M/S.S.KARTHIK Advocate SR.No.891

GJM/CM/VR/SAR-4-23.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.816 of 2018
Date :18/01/2018