



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.817 of 2018

S.CHANDRARAJ,

... PETITIONER/3rd ACCUSED

Vs

THE STATE OF TAMIL NADU
REPRESENTED BY THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.419 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.BALAKRISHNAN 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/A3, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 143 and 188 I.P.C., in Crime No.419 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 21.12.2017, due to suspicious death of one Iyyappan, some of the members made road roko, refused to receive the body of the deceased and caused disturbance to the public. Hence, the respondent police herein, *suo moto*, registered the case against the petitioner/A3 and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is no way connected with the offence, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that totally there are eight accused in this case, in which, the petitioner is arrayed as A3. The petitioner and other accused were ~~illegally~~ caused disturbance to the public. 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 341, 143 and 188 I.P.C, has been registered against the petitioner. According to prosecution, it is alleged that during the time of occurrence, the petitioner and other accused, who have involved in this case made road roko in order to protest the death of one Iyyappan. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner is not necessary for completing the investigation. 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, Sathankulam, 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 petitioners 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

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



TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.R.BALAKRISHNAN Advocate SR.No.950

ORDER

IN

CRL OP(MD) No.817 of 2018

Date :18/01/2018

SMA/RR/SAR-4/23.01.2018:3P/6c