



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.840 of 2018

1 RAJENDRAN
2 KARUNANITHI
3 RAJA
4 MANOKARAN
5 SRIDHAR
6 YOGESWARAN
7 MATHIAZHAGAN

... PETITIONERS/ ACCUSED 1 TO 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVADNAI POLICE STATION,
RAMNAD DISTRICT.
(CRIME NO. 12/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.D.VENKATESH Advocate

For Respondent : M/S.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 Nos.1 to 7, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 336, 427 and 506(ii) IPC., in Crime No.12 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioners acting as Village Administrator of the temple, swindled fund from the village people, which was questioned by the defacto complainant, the petitioners scolded by using filthy language and assaulted him, thereby, he sustained injuries. Hence, he gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that they are innocent person and they have been falsely implicated in this case. He further submitted that in fact, this is a case of case in counter.



4. The learned Government Advocate (Crl.side) submitted that the injured was discharged from the hospital. According to him, investigation is pending.

5. Considering the submissions made on either side, it discloses that the offences under Sections 147, 148, 294(b), 336, 427 and 506 (ii) IPC., in Crime No.12 of 2018, has been registered against the petitioners. Except 506(ii) IPC, all other offences are bailable in nature. It is alleged that during the time of occurrence, the petitioners formed a gang and committed the offence due to which either party lodged a complaint before the police. So, this is a case of case in counter. Therefore, custodial interrogation is not 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 Court, 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 10.30 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 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 petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
22/01/2018

/ TRUE COPY /



TO

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.1080

ORDER
IN
CRL OP(MD) No.840 of 2018
Date :22/01/2018

MS/PM-PN/SAR.4/24.01.2018/3P.6C