



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

Friday, the Nineteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) No.843 of 2018

1 RAJESHKUMAR
2 KARTHIKEYAN
3 BARATH KANNEN

... PETITIONERS / ACCUSED Nos.3,4 & 5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT ,
CR. NO. 11/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.R.PONNUTHAI Advocate

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

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

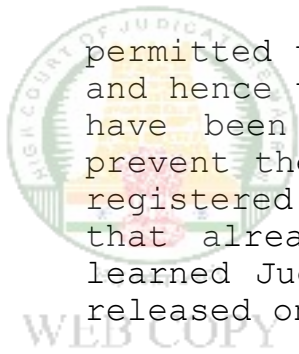
ORDER : The Court Made the following order :-

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 188 and 353 of I.P.C. r/w 15(i) Environment Protection Act and 5(ii) The Noise Pollution (Regulation and Control) Rules 2000, in Crime No.11 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioners conducted pongal festival function and at that time they used loud speakers beyond the permitted time of 10.00 pm and for the said allegation the respondent police registered a complaint against the petitioners.

3.The learned counsel for the petitioners has submitted that the petitioners have celebrated the pongal festival in a peaceful manner but the respondent has registered the case against the petitioners stating that the petitioners have used a loud Speaker without getting permission from the police and also seized the loud speaker, amplifier and C.D player. She further submitted that since the petitioners have not committed any offences, prays for Anticipatory Bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners and other persons have used loud speaker beyond the



permitted time during night hours and caused annoyance to the public and hence the case was registered and amplifier and the loud speaker have been seized and at the time the petitioners attempted to prevent the police from discharging their duty and hence a case was registered under the aforesaid sections. However, he fairly conceded that already 5 accused persons arrested and produced before the learned Judicial Magistrate and they were remanded and subsequently released on bail.

5. Taking into consideration of the allegations made against the petitioners and also the fact that already 5 accused persons were released on bail by the learned Judicial Magistrate, 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, Sankarankovil, 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 second and third petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of four weeks and thereafter, as and when required for the purpose of 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 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/-
19/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.C.R.PONNUTHAI Advocate SR.No.1013

JAM/23/01/2018/CM-VR/ SAR4 / 3P-6C

ORDER

IN

CRL OP(MD) No.843 of 2018

Date :19/01/2018