



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.854 of 2018

1 R. MUNIYASAMY
2 DURAI
3 MUTHURAMALINGAM
4 SABARI
5 RAJA
6 MURUGAN
7 PULITHEVAN

... PETITIONERS/ACCUSED 1 to 7

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
TOWN POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT,
CRIME NO.07/2018

... RESPONDENT / COMPLAINANT

SANTHOSHKUMAR

...INTERVENOR/DEFACTO COMPLAINANT

For Petitioners : M/S.R.ARAVINDRAJ Advocate

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

For Intervenor : MR.A.UTHAYAKUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 323, 324, 307, 427 & 379(NH) of Indian Penal Code in Crime No.07 of 2018, seek anticipatory bail.

2.The case of the prosecution is that in respect of collecting toll fee, a dispute arose between the petitioners and the de facto complainant and hence, the petitioners assaulted the de facto complainant and caused injury.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely



implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. This case has been registered for the offence punishable under Sections 147, 148, 323, 324, 307, 427 & 379(NH) of Indian Penal Code. It is alleged that during the time of occurrence, the petitioners herein, who are pilgrims to Sabarimala, made quarrel with the staff of the tollgate. As a result of which, one person sustained injury and subsequently he was discharged from the hospital after completing treatment. With regard to the offence punishable under Section 379 IPC, the learned counsel appearing for the petitioners is fairly submitted that he is willing to deposit the said amount. So, considering the nature of offence committed by the petitioners, custodial interrogation may not be necessary for completing the investigation.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain stringent 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, Rameshwaram, Ramanathapuram, 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 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 10.00 a.m. until further orders.

(ii) each of the petitioner is directed to deposit a sum of Rs.18,000/- to the credit of Crime No.07 of 2018 before the learned Judicial Magistrate Court, Rameshwaram, Ramanathapuram.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.



investigation or trial.

(v) 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/-
30/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
TOWN POLICE STATION, RAMESHWARAM,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.ARAVINDRAJ Advocate SR.No.1602

ORDER
IN
CRL OP(MD) No.854 of 2018
Date :30/01/2018

SMA/CM-VR/SAR-1/05.02.2018:3P/6c