



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

Monday, the Twenty Second day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.884 of 2018

1 G. CHARLES
2 V. GUNASEELAN
3 P.R. MANOHARAN

... PETITIONERS/ACCUSED NOS.1 TO 3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO. 21/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.R.A.RAMACHANDRAN, ADVOCATE FOR
M/S.J.ASHOK 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 petitioners/Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 448, 294(b), 506(ii) of I.P.C., r/w 109 IPC in Crime No.21 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant belongs to different groups, on the day of occurrence, the petitioners used the AIDMK flag for their function, the same was objected by the defacto complainant, due to which, wordy quarrel arise between them. Hence, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioners submitted that totally three accused in this case, they are innocent person and they have been falsely implicated in this case. He would further submit that there was a rival dispute in between the parties, thereby, the law enforcing agency foisted a false case against these petitioners.

<https://hcservices.courts.gov.in/hcservices>

4.The learned Government Advocate (Crl.side) submitted that



he has no objection for granting anticipatory bail to the petitioners.

5. Considering the submissions made on either side, it disclose that the offences under Sections 147, 148, 448, 294(b), 506(ii) of I.P.C., r/w 109 IPC in Crime No.21 of 2018, has been registered against the petitioners. It is alleged that during the political rivalry, the petitioner committed the offence. Except 506 (ii) IPC, the other offences registered against the petitioners are all bailable in nature. Hence, in order to completing the investigation, the custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, 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, Thiruchendur, on condition that the petitioner 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

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rmi/cp
TO

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.

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

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

+1. CC to M/S.J.ASHOK Advocate SR.No.1045

GJM/CM/VR/SAR-4-25.1.18-3P-6C

ORDER

IN

CRL OP (MD) No.884 of 2018

Date :22/01/2018