



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

Wednesday, the Fourth day of April Two Thousand and Eighteen

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD) No.5126 of 2018

1 M.MURUGAN

2 S.SAMRAJ

... PETITIONER / ACCUSED No.6 & 10

Vs

THE STATE REP. BY  
THE INSPECTOR OF POLICE,  
NESAMONY NAGAR POLICE STATION,  
KANYAKUMARI DISTRICT.  
(CRIME NO.77 OF 2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : M/S. A.P.G.OHM CHAIRMA PRABHU,  
Govt. Advocate ( Crl. Side)

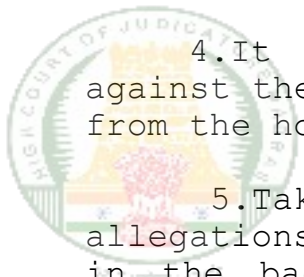
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are shown as Accused Nos.6 and 10 in Crime No.77 of 2018, on the file of the Inspector of Police, Nesamony Nagar Police Station, Kanyakumari District, for the offences punishable under Sections 147, 294(b), 332, 353, 506(i) of IPC and Section 4 of TNPWH Act and Section 3 (1) of TNPPDL Act, and they seek anticipatory bail.

2.When the matter was taken up in the morning, the defacto complainant wanted to intervene in the matter. Therefore, the matter was passed over and it was taken at 02.15 P.M. It is quite strange that the defacto complainant, who is a Government official, seeks to intervene in the application for Anticipatory Bail, even though, the learned Government Advocate(Crl Side) appearing for the State is very much representing the prosecution. In this case, the defacto complainant is a Joint Registrar of Co-operative Societies. The occurrence is said to have taken place on 28.03.2018. The allegations were made against the sitting M.L.A as well as the other political workers. The first petitioner is said to have made life threat to the defacto complainant. The second petitioner/A10 is said to have kicked the subordinate of the defacto complainant.

3.The learned counsel appearing for the defacto complainant submitted that the entire occurrence has been captured in the video footage. This Court called upon the learned counsel for the defacto complainant to freeze the relevant frame which would show the role played by the second petitioner/Accused No.10. Even though this Court waited for a full ten minutes, such footage could not be shown before this Court.



4.It is submitted that there is no previous case registered against the petitioners herein. The injured has also been discharged from the hospital.

5.Taking note of these aspects and the political nature of the allegations and the fact that the entire occurrence has taken place in the background of the Co-operative elections, this court is inclined to grant Anticipatory Bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.2, Nagercoil and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-  
04/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-II,  
NAGERCOIL.
- 2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,  
NESAMONY NAGAR POLICE STATION,  
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.5427.

ORDER  
IN  
CRL OP(MD) No.5126 of 2018  
Date :04/04/2018