



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7589 of 2018

1 N.SUBASH CHANDRABOSE,
2 P.GANESAN,
3 SURESH DENIAL RAJ,

... PETITIONER/ACCUSED
RANK UNKONWN

Vs

THE INSPECTOR OF POLICE,
AALANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.252/2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.A.JOSEPH JERRY Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

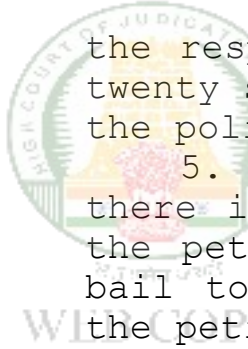
The petitioners, who apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 141, 144, 353 and 171(c) of IPC and Section 3 of Tamil nadu Public Property (Damage and Loss) Act, in Crime No.252 of 2018, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused persons are the members of Co-operative Society at Allangulam Former Credit Society, while conducting elections and giving nomination there arose a problem with two teams.

3. The learned counsel for the petitioners submitted that there is election dispute between the petitioners and defacto complainant and hence, the defacto complainant removed the name of the petitioners from the voters list and prevent the petitioners to appear as a President candidate for the Panchayat and that the petitioners destroyed one of his nomination paper as the defacto complainant refused to receive the same.

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

4. The learned Additional Public Prosecutor appearing for



the respondent Police submitted that the petitioners destroyed twenty seven nomination forms and CCTV footage was collected by the police.

5. Considering the facts and circumstances of the case that there is election dispute between the defacto complainant and the petitioners, 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, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Aalankulam, Tirunelveli District on condition that the petitioners shall execute a bond each of them for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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/-
03/05/2018

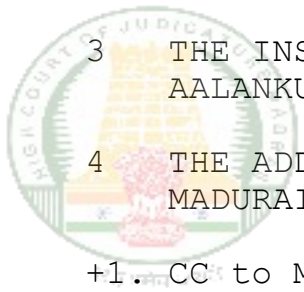
/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
ALANKULAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT



3 THE INSPECTOR OF POLICE,
AALANKULAM POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.A.JOSEPH JERRY Advocate SR.No.8142

GJM/PN/ASVM/7.5.18-3P-6C

ORDER

IN

CRL OP(MD) No.7589 of 2018

Date :03/05/2018