



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

Friday, the Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.21511 of 2018

MURUGAN @ BALAMURUGAN

... PETITIONER / ACCUSED No.5

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
VADASERRY POLICE STATION,  
NAGERCOIL,  
KANYAKUMARI DISTRICT.  
Crime No. 142 of 2005

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.VANCHINATHAN Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate ( Crl. Side)

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

**ORDER :** The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 147, 294(b), 353 and 506(i) of IPC in Crime No.142 of 2005, pending for trial on the file of the Learned Judicial Magistrate Court No.II, Nagercoil in S.T.C.No.686 of 2005, seek anticipatory bail.

2. The case of the prosecution is that on 05.02.2005, the petitioner along with other five accused were conducted meeting using sound speakers without getting proper permission from the police.

3. The learned counsel for the petitioner would submit that the case is pending for trial before the Learned Judicial Magistrate Court No.II, Nagercoil in S.T.C.No.686 of 2005. On 05.10.2015, non bailable warrant was issued against the petitioner and other accused persons for their non appearance. The Accused Nos.5 to 8 have filed anticipatory bail for recall of warrant and the same was ordered on 05.10.2015 in Crl.O.P.(MD)No.18368 of 2018 and their warrants were

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

also recalled.

4.The learned counsel for the petitioner undertakes that the



petitioner shall appear before the trial Court and co-operate with the trial.

5. The learned Government Advocate (Crl.side) would submit that investigation is pending.

6. Considering the facts and circumstances of the case and the fact that the co-accused were granted anticipatory bail by this Court and recall of warrant, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil, on condition that the petitioners shall execute a bond 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 learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the petitioner shall report before the trial Court on every Monday at 10.30 a.m, for a period of three months and thereafter, on all hearing dates.

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

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

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
07/12/2018

/ 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. THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,  
VADASERRY POLICE STATION,  
NAGERCOIL,  
KANYAKUMARI DISTRICT.

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

+1. CC to Mr.S.VANCHINATHAN Advocate SR.No.22683

ORDER

IN

CRL OP (MD) No.21511 of 2018

Date : 07/12/2018

TK.MK/PN/SAR.3/14.12.2018/3P/6C