



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

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20553 of 2018

GOPAL

... PETITIONERS / ACCUSED No. 2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. 116 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.R.ALAGUMANI 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 :-

There are totally seven accused in this case. The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 506(ii) and Section 3 of TNPPDL Act, in Crime No.116 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive relating to Panchayat election, on 29.07.2018 at about 6.45 p.m, the accused persons came to the house of the defacto complainant and damaged the two wheeler and some articles. Accused Nos.5 and 6 in this case were arrested and remanded to judicial custody. Thereafter, they were released on bail by this Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged crime. He would further submit that due to the rivalry between the petitioner and defacto complainant with regard to Panchayat election and animosity is continued between them, the petitioner has been falsely implicated in this case. Hence, anticipatory bail may be granted to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioner has no previous case.

5.Considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, No.V, Tiruchirappalli on condition that the petitioner shall execute 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;

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police as and when required.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO V
TIRICHIRAPALLI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to MR.R.ALAGUMANI Advocate SR.No.21900

ORDER

IN

CRL OP (MD) No.20553 of 2018

Date :19/11/2018

MSI/PN/SAR-II/26.11.2018-3P/6C