



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7660 of 2018

1 KRISHNAN
2 ESAKKIAPPAN
3 KAPOOR @ ABDUL KAPOOR
4 SUNDARAM
5 AYYAPPAN

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.167/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.T.LENIN KUMAR, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

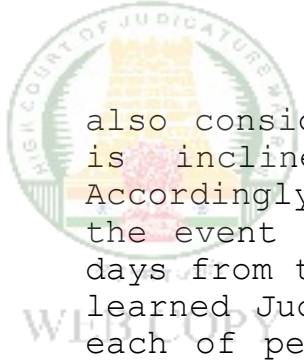
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 294 (b), 506(ii) IPC and Section 3 of TNPPDL Act, 1992 in Crime No.167 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute the petitioners are said to have abused the defacto complainant in filthy language and threatened him with dire consequences. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their name have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police on instructions would submit that no one sustained injury and the investigation is still pending.

5.Considering the facts and circumstances of the case and



also considering the fact that no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners. 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, Cheranmahadevi, on condition that the each of petitioners 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 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/-

09/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR, Advocate SR.No.8346

ORDER IN
CRL OP(MD) No.7660 of 2018
Date : 09/05/2018