



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

Thursday, the Twenty First day of June Two Thousand Eighteen

WEB COPY

PRESENT
The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.9270 of 2018

1 KINGSTON
2 KANISTAN
3 JOHNSON
4 JAISING
5 INBAM
6 MATHAN
7 CHRISTON
8 THARMAR
9 KISHON

... PETITIONERS

Vs

THE SUB INSPECTOR OF POLICE,
UVARI POLICE STATION,
TIRUNELVELI DISTRICT

... RESPONDENT

For Petitioners : MR.M.JOSEPH THATHEUS JEROME, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI, Government Advocate

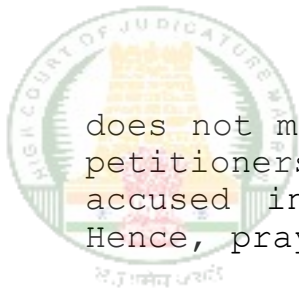
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 143, 341, 294(b), 188, 353 and 506 (ii) of IPC in respect of crime No. 52 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that a complaint was received against five named and many unnamed persons that they had torn the election results which was posted on the notice board and they prevented the officer from performing his duties and protested against the election officer.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any criminal offence as alleged against them. The complaint itself is omnibus and



does not make any reference to the petitioners so as to connect the petitioners with the occurrence in any manner and the five named accused in the FIR had already been granted Anticipatory Bail. Hence, prays for this petition to be ordered.

WEB COPY

4. The learned Government Advocate appearing for the respondent Police on instruction would submit that there are totally five named accused in the case and they were already granted anticipatory bail.

5. Considering the facts and circumstances of the case and also taking note of the fact that petitioner Nos. 1, 2, 4, 12, 13, 14 and 15 were already released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners herein with certain conditions. Accordingly, the petitioners herein 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, Valliyoor, Tirunelveli District. on condition that the aforesaid 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 aforesaid petitioners shall report before the respondent Police as and when required for interrogation.

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

[c] the aforesaid 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 aforesaid petitioners in accordance with law as if the conditions have been imposed and the aforesaid 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/-
21/06/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE
UVARI POLICE STATION,
TIRUNELVELI DISTRICT,

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

+1. CC to MR.M.JOSEPH THATHEUS JEROME, Advocate SR.No.11037

ORDER

IN

CRL OP(MD) No.9270 of 2018

Date :21/06/2018

PK/RR-CSL/RNB/25.06.2018 : 3P/6C