



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20728 of 2018

1 K. CHINNADURAI

2 E. SAKTHIVEL

... PETITIONERS / ACCUSED (RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.260/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.SENTHIL MURUGAN Advocate

For Respondent : Mr.K.SUYAMBULILNGA BHARATHI Govt. 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 offences punishable under Sections 341, 353 and 294(a) IPC, in Crime No.260 of 2018, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

3.The case of the prosecution is that while 144 Cr.P.C., was in force, on 30.10.2018, the petitioners are said to have climbed over the police surveillance vehicle and restrained the police official from discharging their official duty. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons. He further submitted that they have been falsely implicated in this case. Since the petitioner had filed a petition before this Court seeking not to harass by the respondent police, the petitioner's name has been implicated in this case as accused.

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

5.Taking into consideration the facts of the case and the



submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, on condition that each of 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 said Magistrate, on further condition that:

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

[b] the petitioners shall report before the respondent police daily at 10.00 a.m., and 05.00 p.m.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/11/2018

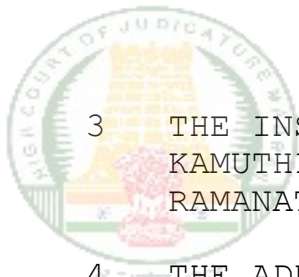
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.



3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

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+1. CC to M/S..SENTHIL MURUGAN Advocate SR.No.21294

PS/JC/SAR-4/23/11/2018/3P/6C

ORDER

IN

CRL OP (MD) No.20728 of 2018

Date :22/11/2018