



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

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.10338 of 2018

1 ILAYARAJA
2 SARAVANAN
3 SOMASI
4 SELVARAJ
5 S.S. SARAVANAN
6 TAMILSELVAN
7 PERIYADURAI
8 A.VENKATESAN
9 K.SELVAM
10 A.P.ELANGO
11 DEEPAN

... PETITIONERS/ACCUSED No.1 to 11

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.
IN CR NO.397/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.VEERA KATHIRAVAN, Senior counsel for
MR.K.ANBARASU, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

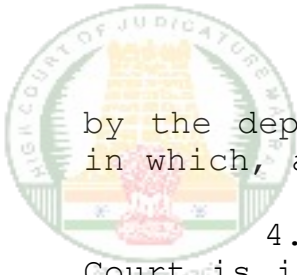
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners have filed this Criminal Original Petition. The petitioners apprehend arrest at the hands of the respondent Police for the offences under Sections 147, 294(b), 353 and 506 (i) of I.P.C in Crime No.397 of 2018. They seeks anticipatory bail.

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

3.The allegations set out in the First Information Report is that the petitioners herein had obstructed certain road laying works. The case of the petitioners is that the road was being laid



by the deploying substandard quality materials. It is not a case, in which, any public official has been injured.

4. Taking into account of all these circumstances, this Court is inclined to grant anticipatory bail to the petitioners 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 with certain conditions. According to them they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Melur, Madurai District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 shall appear before the respondent police as and when required for interrogation. The petitioners 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

5. The petitioners 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

6. The learned Senior counsel appearing for the petitioners submits that the second petitioner was arrested last night. It appears that the bail application has been moved before the Sessions Court and the same will be come on 25.06.2018. The learned Senior counsel appearing for the petitioners submitted that since the arrest took place after this Criminal Original Petition was filed, he would withdraw the bail petition filed before the learned Jurisdictional Magistrate Court and requested this Court to grant him relief in this Criminal Original Petition itself.

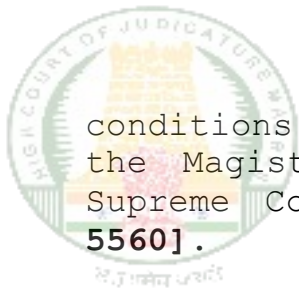
7. The allegations set out in the First Information Report is that the petitioners herein had obstructed certain road laying works. The case of the petitioners is that the road was being laid by the deploying substandard quality materials. It is not a case, in which, any public official has been injured.

8. Taking into account of all these circumstances, this Court is inclined to grant bail to the second petitioner with following conditions.

(i) the second 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 Judicial Magistrate, Melur, Madurai District.

(ii) the second petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the Magistrate/Judicial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the



conditions have been imposed and the petitioner released on bail by the 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]**.

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sd/-
22/06/2018

/ TRUE COPY /

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

TO

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

+1. CC to MR.K.ANBARASU, Advocate SR.No.11082

ORDER
IN
CRL OP(MD) No.10338 of 2018
Date :22/06/2018

PK/CM-VR/GSR/22.06.2018 : 3P/6C