



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

Tuesday, the Twenty First day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14725 of 2018

1 BALAMURUGAN
2 KALYANI @ KALYANISUNDARAM
3 PONPANDI ... PETITIONERS / ACCUSED Nos.1,3,5

Vs

1 THE ASSISTANT SUPERINTENDENT OF POLICE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
2 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 312 OF 2018) ...1st & 2nd RESPONDENTS / COMPLAINANT
3 LENIN ...3rd RESPONDENT / DEFACTO - COMPLAINANT

For Petitioner : Mr.RANJITHKUMAR Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 506 (ii) of IPC and Section 3(1) (r), 3(1)(s), 3(2) (va) of SC/ST Act (Prevention of Atrocities) Amendment Act, 2015, in Crime No.312 of 2018, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute with regard to the sand theft, the petitioners assaulted the defacto complainant and abused him with filthy language and also using with caste name. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant sustained only simple injury.

5.Considering the fact and circumstances of this case and except SC/ST Act, other offences are not serious in nature, this Court, by following the judgment of the Apex Court reported in **(2018) 6 Supreme Court Cases 454-Subash Kashinath Mahajan V.State of Maharashtra**, is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned II Additional District Sessions Judge cum (PCR Court), Tirunelveli, Tirunelveli District and on their executing 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 learned Judge concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6.The petitioners shall appear before the concerned Judge 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.

sd/-

21/08/2018

/ TRUE COPY /

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

DAS
TO

- 1 THE II ADDITIONAL DISTRICT SESSIONS JUDGE
CUM (PCR COURT),
TIRUNELVELI. TIRUNELVELI DISTRICT.
- 2 THE ASSISTANT SUPERINTENDENT OF POLICE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to Mr.RANJITHKUMAR Advocate SR.No.16009
PS/JC/SAR2:30/08/2018:2P/5C

ORDER

IN

CRL OP(MD) No.14725 of 2018

Date :21/08/2018