



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

Thursday, the Twentieth day of December Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22542 of 2018

WEB COPY

1. THIRAVIYAM
- 2 ANANDARAJ@CHINNAVAR
- 3 NATTAMAI THIRUMALAI @ THIRUMALAI
- 4 MAHESWARAN
- 5 THANNER VANDI KRISHNAN @ KRISHNAN,
- 6 THANGAVEL
- 7 KARUPPASAMY
S/O.PERUMAL
- 8 KARUPPASAMY,
S/O.PANNAIYADIYAN
- 9 MATHISAMY
- 10 VIJAGAPPAN
- 11 ANTONY RAJ
- 12 SUSIKUMAR
- 13 SOUNDIRAPANDI
- 14 JESURAJ,
- 15 MURUGAN
- 16 RAJIVGANDHI
- 17 PONNUPANDI
- 18 MOOKAN@VELUSAMY
- 19 VIJAY
- 20 ARASIALKANNAN@KANNAN
- 21 MARIAPPAN
- 22 VELMURUGAN
- 23 LATCHUMANAN
- 24 VIMALRAJ
- 25 MANIKANDAN
- 26 MANOHAR
- 27 PONNUSAMY
- 28 CHELLADURAI
- 29 KARUPPASAMY
S/O.THIRUMALAI @ INNAN
- 30 SELVI
- 31 MUTHULAKSHMI
- 32 VANAMAYIL
- 33 SAHAYARANI
- 34 SUJATHA
- 35 TAMILSELVI
- 36 SAMUTHIRAM
- 37 MUTHUMARI
- 38 ANOLRAJ,
- 39 PONKUMARESAN



40 ATTUVIYAPARI KRISHNAN@KRISHNAN

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CHINNAKOVILANKULAM POLICE STATION,
CHINNAKOVILANKULAM,
TIRUNELVELI DISTRICT
(CRIME NO.81/2016)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.INDRACHITHU Advocate

For Respondent : MR.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, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 341, 323, 324, 307 and 506(ii) IPC in Crime No.81 of 2016, seek anticipatory bail.

2.The case of the prosecution is that on 27.05.2016, the petitioners parties and the defacto complainant parties fought each other over a temple issue. In that connection, both parties had given separate complaints.

3.The contention of the petitioners is that they are innocent and they had nothing to do with the alleged crime. Originally, their names were not found place in the F.I.R and they were not aware of the case. Now, they came to know that their names have been included in the above case. Earlier, this Court had granted anticipatory bail to some of the accused in Crl.O.P.(MD). No.8700 of 2016, dated 17.06.2016. Hence, anticipatory bail may be granted to these petitioners also.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are two counter cases in Cr.Nos.82 and 83 of 2016. In all the cases, investigation is going on.

5.At this juncture, the learned counsel for the petitioners submits that the petitioners are hailing from the same village. Hence, it is very difficult to find sureties.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-



7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sankarankovil, Tirunelveli District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioners failed 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 for a period of two weeks and thereafter as and when required for interrogation.

[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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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/-
20/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL,
TIRUNELVELI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE INSPECTOR OF POLICE
CHINNAKOVILANKULAM POLICE STATION,
CHINNAKOVILANKULAM,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.T.INDRACHITHU Advocate SR.No.23771

ORDER

IN

CRL OP (MD) No.22542 of 2018

Date :20/12/2018

AE/VR MMS/SAR4/21.12.2018/4P/6C