



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22222 of 2018

1 THANGADURAI
2 BALAMURUGAN
3 MUTHUKUMAR
4 VAIGAIBALAN
5 PERUMAL
6 ELANGO VAN
7 SALEEMRAJA
8 SARAVANAPANDI
9 ALAGUMURUGAN
10 SRIDHAR
11 JEYAMURUGAN@JEYADEVAN
12 SATHEESHKUMAR

... PETITIONERS / ACCUSED No. 1 to 12

Vs

THE STATE REP. THROUGH,
THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION,
NILAKOTTAI,
DINDIGUL DISTRICT
IN CRIME NO.265/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.B.RAJA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. 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 offences punishable under Sections 143, 341, 188, 286 of IPC and 3 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, in Cr.No.265 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have violated the conditions imposed by this Court in W.P.(MD). No.22459 of 2018 by conducting the Hunger Strike on 11.11.2018 by



bursting crackers, erecting flex boards and obstructing the free movement of the public and traffic and also driving the vehicles in rash and negligent manner endangering the general public.

3. The learned counsel for the petitioner submits that one of the petitioner is former MLA and due to political vengeance the case has been foisted. The petitioners were exercise their democratic right towards Government policies.

4. The learned Government Advocate (Crl. Side) submits that the investigation is in initial stage.

5. Taking into consideration the facts of the case, this Court 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, Nilakottai, Dindigul, on condition that 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 twice at 10.00 a.m. and 5.00 p.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 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/-
19/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
NILAKOTTAI, DINDIGUL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION, NILAKOTTAI,
DINDIGUL DISTRICT

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

+1. CC to MR.B.RAJA Advocate SR.No.23710

ORDER
IN
CRL OP(MD) No.22222 of 2018
Date :19/12/2018

MSI/VR-MMS/SAR-IV/26.12.2018-3P/6C