



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

Thursday, the Twentieth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) Nos.22288 AND 22367 of 2018

1 S.RAJKUMAR @ RAJ GOUNDAR
2 P.SANTHOSH
3 RAVI @ RAVIKUMAR

... PETITIONERS / ACCUSED No. 1 to 3
IN CRL OP (MD) No. 22288 of 2018

Vs

C.SHANMUGAVEL

... PETITIONERS / ACCUSED No. 4
IN CRL OP (MD) No. 22367 of 2018

THE STATE REP. BY,
THE INSPECTOR OF POLICE
VANGAL POLICE STATION,
KARUR DISTRICT
IN Crime No. 868 OF 2018

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No. 22288 of 2018

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT
Crime No. 868 OF 2018

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) No. 22367 of 2018

For Petitioners : MR.K.ANBARASAN Advocate
IN CRL OP (MD) No. 22288 of 2018

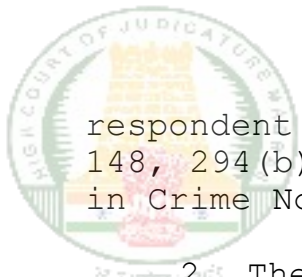
MR.R.VENKATESAN
IN CRL OP (MD) No. 22367 of 2018

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-
<https://hcservices.ecourts.gov.in/hcservices/>

The petitioners apprehending arrest at the hands of the



respondent police for the offence punishable under Sections 147, 148, 294(b), 307, 379 of I.P.C and Section 3(1) of TNPPDL Act, 1992, in Crime No.868 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 09.11.2018 at about 12.00 a.m, the petitioners and other accused persons attacked the defacto complainant and abused him with filthy words and damaged the car of the defacto complainant and stolen 3 sovereigns of gold chain, cash of Rs.23,000/-, ATM card and a purse which was kept in the car.

3. The contention of the petitioners is that they are innocent and they had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there is no previous case pending against the petitioners and investigation is pending. He would further submit that the injured has been discharged from the hospital.

5. Considering the above facts and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, No.I, Karur 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 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/A-1 to A-3 in Crl.O.P.(MD).No.22288 of 2018 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. Since the petitioner in Crl.O.P.(MD).No.22367 of 2018 is a college student, he shall report before the respondent Police every Saturday and Sunday 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 NO I
KARUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR
- 3 THE INSPECTOR OF POLICE
VANGAL POLICE STATION,
KARUR DISTRICT
- 4 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.K.ANBARASAN Advocate SR.No. 23760
+1. CC to MR.R.VENKATESAN Advocate SR.No.23899

ORDER
IN
CRL OP(MD) Nos.22288 AND 22367
of 2018
Date :20/12/2018

MSI/VR/SAR-IV/27.12.2018-3P/8C