



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

Friday, the Twenty Third day of November Two Thousand Eighteen
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.20816 and 20798 of 2018

1 MAYALAGU
2 BHARATHI
3 KUMAR
4 MURUGAGAI AH
5 RAJENDRAN
6 VAIUDAIYAN

...PETITIONERS/ACCUSED 1 TO 5 & 7
IN CRL OP(MD)NO.20816/2018
... PETITIONER / ACCUSED NO.8
IN CRL OP(MD)NO.20798/2018

POOMADEVI

Vs

THE STATE REPRESENTED BY.THROUGH,
THE INSPECTOR OF POLICE,
MUTHUKULATHOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.140/2018)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : Mr.D.VENGATESH Advocate(IN CRL OP(MD)NO.20816/2018)
For Petitioner : Mr.A.VADIVEL Advocate(IN CRL OP(MD)NO.20798/2018)
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 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 336 and 307 IPC and Section 3(1) of the TNPPDL Act, 1992, in Crime No.140 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 15.11.2018, there was a communal clash between two groups. Due to the said motive, during funeral procession, while the petitioners passing through the defacto complainant's area, there seems to have been some dispute between the defacto complainant and the petitioners who belong to the depress community, due to which, there was a fight and free flow entered into two groups and in which, the petitioners along with other accused said to have attacked the defacto complainant by knife stick and pelted stones and damaged the bike by using wooden log. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have preferred a complaint before the respondent police for similar nature of offence, which has been registered in Crime No.138 of 2018, since it is a counter case.



4. The learned Government Advocate (Crl.side) for the respondent police submitted that investigation is pending.

5. Taking into consideration the facts of the case, this Court is 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, Mudukulathur, 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 are directed to stay at Chengalpat and report before the Inspector of Police, Chengalpat Town Police Station, daily at 10.30.am., until further orders.

[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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
MUDUKULATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
MUTHUKULATHOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
CHENGALPAT TOWN POLICE STATION,
CHENGALPAT.

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

+1. CC to Mr.A.VADIVEL Advocate SR.No.22014

PS/JC/SAR-4/28/11/2018/3P/7C

ORDER

IN

CRL OP(MD) Nos.20816 and 20798 of 2018

Date :23/11/2018