



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.23027 of 2018

1 KUMARESAN

2 SELVAKUMAR @ SELVAN

... PETITIONER / ACCUSED No. 1 & 2

Vs

THE STATE OF TAMILNADU,
REP. BY THE INSPECTOR OF POLICE
TISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR NO. 400 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.BALAKRISHNAN 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, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 341, 294(b), 323 and 506(i) I.P.C., in Crime No.400 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was engaged in the work of cutting and removing the trees standing on the back side of the old bus stand, which belongs to his boss, the petitioners along with one Muthukumresan abused the defacto complainant in filthy language and threatened with dire consequences and also restrained the petitioner from entering into the property in question. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners herein assaulted the defacto complainant. The case has been registered for the offences under Sections 341, 294(b), 323 and 506(i) I.P.C., in which, only Sections 506(i) I.P.C., is non bailable in nature. Thereby, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with some stringent condition. Accordingly, they 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, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(ii) the petitioners shall report before the respondent Police, daily at 10.00 a.m., until further orders.

(i) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

sd/-
27/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

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

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

ORDER

IN

CRL OP(MD) No.23027 of 2018

Date :27/12/2018

MSI/JC/SAR-IV/02.01.2019-3P/5C