



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

Friday, the Thirtieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20717 of 2018

1. K.KARUNANITHI
2. K.RAJESH KANNAN
3. K.SEENIRAJ
4. M.VELU@VELMURUGAN
5. P.RAMAKRISHNAN

... PETITIONERS/ACCUSED NOS.1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT
CRIME NO.583/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.VINOTHKUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

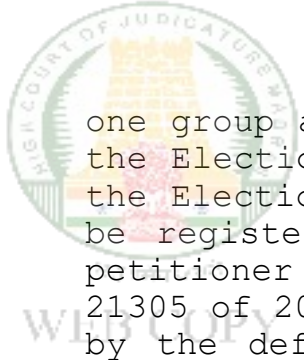
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 353 and 506(i) IPC in Crime No.583 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the members of the Co-operative Society. The second and third petitioners are the contesting candidates. The defacto complainant is the Election Officer. During previous election conducted, there were several malpractices and irregularities on the part of the authorities including the election officer. Based on the above incident, on 08.10.2018, there was some dispute between the defacto complainant and the petitioners with regard to voters list.

3.The learned counsel for the petitioners would submit that since the previous election conducted by the Election Officer in a partisan manner, there was a dispute between two groups. ON 08.10.2018, the election was conducted by the said Officer, therein,



one group against him with regard to preparation of voters list and the Election Officer was prevented from doing his duty. Therefore, the Election Officer had preferred a complaint and the case came to be registered on 16.11.2018. Aggrieved over the same, the first petitioner filed Writ Petition before this Court in W.P.(MD)No. 21305 of 2018, on 08.11.2018, by challenging the final list prepared by the defacto complainant, wherein, the Election Commissioner of Tamil Nadu Cooperative Society has filed a memo stating that the Election Officer had violated Rule 52 (8)(h) of the Tamil Nadu Co-operative Society Rules and the election is not sustainable and cancelled the election. Recording the same, the Court had allowed the writ petition.

4.The learned Government Advocate (Crl.side) for the respondent police submitted that the complaint was given on 08.11.2018 itself by the Election Officer. After preliminary enquiry, the FIR came to be registered on 16.11.2018. This being the reason, the FIR has been registered belatedly. The Government Advocate (Crl.side) affirms about the order of this Court in W.P.(MD)No.21305 of 2018.

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 No.I, Kovilpatti, 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 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.

WEB COPY

sd/-
30/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.1
KOVILPATTI
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI
 3. THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.B.VINOTHKUMAR Advocate SR.No.22472

ORDER
IN
CRL OP(MD) No.20717 of 2018
Date :30/11/2018

RMI
MK/VR MMS/SAR 2/05.12.2018/3P/6C