



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

Friday, the Twenty Third day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20799 of 2018

1.D.MURUGAN

2 THAMBI@POOLPANDI

3 AYYASAMY

4 MARISELVAM

5 RATHAKRISHNAN

6 LAKSHMIKANTHAN

... PETITIONERS / ACCUSED NO.1 TO 6

Vs

THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.339/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.MUTHUMALAI RAJA Advocate

For Respondent : MR.M.ASOKAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323 and 506(ii) IPC, in Cr.No.339 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are hailing from Ilanthaikulam Village, the defacto complainant is a land broker agent. One Wind mill company approached to the defacto complainant for installation of wind mill in the petitioners' village. They purchased the land for that purpose from the third petitioner's brothers. At this juncture, the village Panchayat of North Illanthaikulam, passed resolutions on 15.08.2018 and 02.10.2018, wherein the wind mill companies will not be permitted to install any wind mills. The petitioners herein approached this Court by filing Public Interest Litigation petition in W.P.(MD)No.19293 of 2018, and obtained order dated 10.10.2018, this order was directing the wind mill not to install the wind mill without following due process of law. At this juncture, the defacto complainant and the



wind mill's representatives was doing to preliminary work for installation of wind mill, the same was questioned by the petitioners, there was a quarrel arose between them. Hence, a case has been registered by the respondent police.

3. The learned counsel for the petitioners would submit that the petitioners are innocent, they have not committed any offence as alleged by the prosecution and prayed for anticipatory bail.

4. Heard the learned Additional Public Prosecutor for the respondent.

5. Taking into consideration the facts of the case and the submissions by learned counsel on either side, 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.II, 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 appear 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 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]**.

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

sd/-
23/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. II,
KOVILPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to MR. S. MUTHUMALAI RAJA Advocate SR.No.22015

ORDER

IN

CRL OP (MD) No.20799 of 2018

Date : 23/11/2018

AE/PN/SAR1/28.11.2018/3P/6C