



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.20820 of 2018

1 BALAMURUGAN
2 SHANMUGAVELU
S/O.RAMAN
3 SHANMUGAVELU
S/O.KALYANI

... PETITIONERS/ACCUSED 1,6 & 8

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMNAD DISTRICT
IN CRIME NO.139/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.D.VENKATESH, 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, 148, 294(b), 324, 336, 353, 337 and 307 IPC, in Crime No.139 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. When the defacto complainant was on duty for keeping peace in the locality, during funeral procession, the petitioners forming an unlawful assembly. Since the defacto complainant was prevented from doing his duty, there seems to have been some dispute between the defacto complainant and the petitioners, the petitioners along with other accused said to have attacked the defacto complainant by knife stick and threatened with dire consequences. 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 Krishnagiri and report before the Inspector of Police, Krishnagiri 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]**.

[f] 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.



1 THE JUDICIAL MAGISTRATE,
MUDUKULATHUR, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION, RAMNAD DISTRICT

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

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

+1. CC to MR.D.VENKATESH, Advocate SR.No.22028

ORDER
IN
CRL OP (MD) No.20820 of 2018
Date :23/11/2018

RMI
PK/VR-MMS/SAR-1/27.11.2018 : 3P/7C