



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

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21146 of 2018

1 R.ATHITHAN
2 H.VELLADURAI
3 P.ANBALAHGAN
4 R.RAJESH
5 P.PONNARASU

... PETITIONERS / ACCUSED RANK NO.1 TO 4 & 6

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME. NO.156 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.K.MAHESHRAJA Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecurot

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, 341, 353 and 506(i) IPC, in Crime No.156 of 2017, seek anticipatory bail.

2.The case of the prosecution is that on 01.07.2017, the petitioner prevented the defacto complainant to discharge his duties, due to which, a wordy quarrel arose. Hence, the complaint. Based on the complaint given by the defacto complainant, the respondent police registered a case. Hence, this Court in Crl.O.P. (MD)No.8379 of 2018 on 17.05.2018, granted anticipatory bail with conditions to the petitioners. As per the order of this Court, the petitioners were directed to execute the sureties. Since they could not able to execute the sureties, the anticipatory bail stands automatically cancelled. Aggrieved over the same, the petition has been filed.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with



the alleged occurrence.

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

5. Taking into consideration the facts of the case and the submissions by learned counsels, 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, Cheranmahadevi, Tirunelveli District, 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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.

sd/-
29/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to Mr.K.K.MAHESHRAJA Advocate SR.No.22542

PS/JC/SAR-1/03/12/2018/3P/6C

ORDER

IN

CRL OP(MD) No.21146 of 2018

Date :29/11/2018