



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.21140 of 2018

1 CHELLADURAI

2 MUNIYASAMY

... PETITIONER / ACCUSED NO.23 TO 24

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KEELAPARALATCHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.91/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.ANANDA RAJ Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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), 323, 324, 307, 435 and 285 of IPC r/w Section 4, 3(1) (4), PR-VNT of Damages and Loss Act, 1992, in Crime No.91 of 2018, seek anticipatory bail.

2.The case of the prosecution is that there was a communal dispute with regard to temple festival. 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.18191 of 2018 on 12.10.2018, granted anticipatory bail with conditions to the petitioner. As per the order of this Court, the petitioner was 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.The learned Additional Public Prosecutor for the respondent police would submit that investigation is pending.

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, Aruppukottai, 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.

sd/-

29/11/2018

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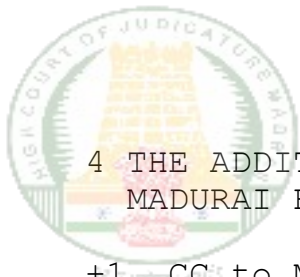
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVIILIPUTHUR.

3 THE INSPECTOR OF POLICE,
KEELAPARALATCHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1. CC to M/S.A.ANANDA RAJ Advocate SR.No. 22371

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ORDER

IN

CRL OP (MD) No.21140 of 2018

Date :29/11/2018

JM/JC/SAR 1/04.12.2018/3P/6C