



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.21143 of 2018

1.R.ATHITHAN
2 R.RAJESH
3 S.MUTHARASAN
4 S.RAJADURAI
5 P.THANGADURAI
6 P.ANBAZHAGAN
7 S.MUTHUGANESH
8 K.RAMAKRISHNAN
9 H.VELLADURAI

... PETITIONERS / ACCUSED RANK NOS.
1,3 TO 8,10 & 11

Vs

THE STATE REP.BY ITS
THE INSEPCTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 68 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.K. MAHESHRAJA 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 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.68 of 2018, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute between the two groups with regard to the administration of the temple. Hence, a case has been registered as against the petitioners herein.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence



as alleged by the prosecution. Hence, anticipatory bail may be granted to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier these petitioners and others were granted anticipatory bail by this Court in CrI.O.P(MD)No.8295 of 2018, dated 16.05.2018. But, they have not produced the sureties before the trial court. Thereafter, they filed this petition for seeking anticipatory bail.

5. Taking note of the facts and circumstances of the case and also considering the fact that earlier these petitioners were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate Court, Cheranmadevi 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 concerned and 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 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;

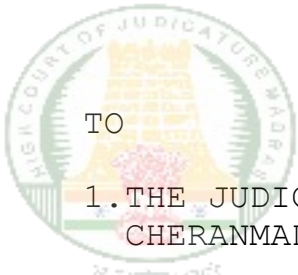
[d] the petitioners shall not abscond either during investigation or trial;

[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]**. and

[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,
CHERANMADEVI.

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

3. THE INSEPECTOR 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.22543

ORDER

IN

CRL OP (MD) No.21143 of 2018

Date :29/11/2018

das

AE/VR MMS/SAR1/03.12.2018/3P/6C