



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

Monday, the Third day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21337 of 2018

1. SENTHIL @ SENTHILKUMAR
2. VAIRABALA

... PETITIONERS / ACCUSED
NO.1 & 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO. 209 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.A.EBENEZER Advocate

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

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

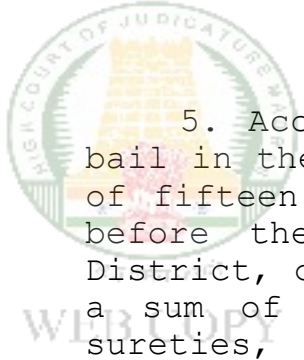
ORDER : The Court Made the following order :-

The petitioners who apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 and 307 of I.P.C., in Crime No.209 of 2018, seek anticipatory bail.

2. The learned counsel for the petitioners would submit that the petitioners have not committed the alleged offence and that the petitioners are affected by the Kaja Cyclone, but the defacto complainant and their officials visited the village school and since no needed help from the Government was provided the villagers agitated before them and due to this motive, the defacto complainant gave a false complaint against the petitioners.

3. Heard the learned Additional Public Prosecutor appearing for the respondent.

4. 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.



5. 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, Pattukkottai, Thanjavur 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 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/-
03/12/2018

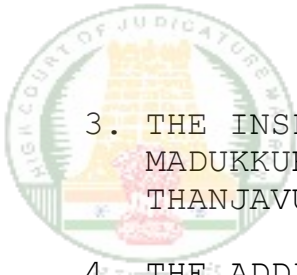
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI, THANJAVUR DISTRICT

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



3. THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT

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

+1. CC to Mr.T.A.EBENEZER Advocate SR.No.22525

ORDER

IN

CRL OP(MD) No.21337 of 2018

Date :03/12/2018

KSA

AE/VR-MMS/SAR 2/12.12.2018/3P/5C