



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

Tuesday, the Thirteenth day of November Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20241 of 2018

1.AYYAPPAN @ AYYAPPASAMY
2.SANTHANAKUMAR
3.MANIKANDAN
4.SERMAN

... PETITIONERS / ACCUSED 1 TO 3 & 6

Vs

THE STATE OF TAMILNADU REPRESENTED BY,
THE INSPECTOR OF POLICE,
SERNDHAMARAM POLICE STATION,
TIRUNELVEI DISTRICT.
CRIME NO.421 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.RADHAKRISHNAN, 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 :-

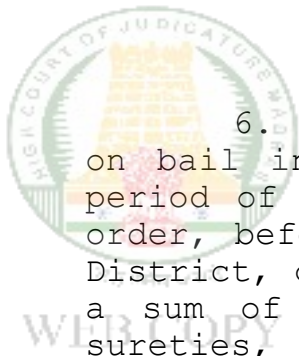
The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323 and 506(ii) of IPC, in Crime No.421 of 2018, seek anticipatory bail.

2.The case of the prosecution is that during the deepavali festival, the defacto complainant objected the petitioners for bursting the crackers in front of the temple, due to which, there was a scuffle between them.

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 submitted that the injured has been discharged from the hospital.

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, Tenkasi, 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/-

13/11/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
TENKASI, TIRUNELVELI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
SERNDHAMARAM POLICE STATION, TIRUNELVEI DISTRICT.

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

+1. CC to Mr.G.RADHAKRISHNAN Advocate SR.No.21439.

ORDER

IN

CRL OP(MD) No.20241 of 2018

Date :13/11/2018