



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

Friday, the Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.13813 of 2018

1 BALAMURUGAN
2 ANANTHAN
3 B.ALAGUSARATHY

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
IN CR NO. NOT KNOWN OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.D.SARAVANAN, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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 under Sections 427 I.P.C. and Section 4 of Tamil Nadu Property (Prevention of Damage and Loss Act, 1922) and Section 3 of Explosive Substances Act, 1908 in Crime No.9 of 2018.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent.

4.In this Criminal Original Petition, the first petitioner Balamurugan, is the *de facto* complainant.

5.The first petitioner / Balamurugan is the leader of Hindu Makkal Katchi. He would submit that he is engaged in preventing religious conversion and other activities for up holding his dharma. His allegation is that he was attacked.

6.The learned counsel appearing for the prosecution would submit that no such attack actually took place and that it was a self engineered drama.



7. This submission is vehemently contested by the petitioners' counsel who would point out that the first petitioner Balamurugan is already enjoying police protection and that there is absolutely no need for him to engineer such drama. He would further submit that since he made an allegation directly against the Superintendent of police when he had taken part in agitation, the Police had tried to turn the tables on him. He would allege that they had gone to the extent of extracting a false confession from his own employee.

8. Be that as it may, this Court is of the view that the custodial interrogation of the petitioner is not warranted for the purpose of carrying out further investigation in this case. As already pointed out, the first petitioner Balamurugan is already enjoying police protection.

9. The learned counsel appearing for the petitioners submit that they are ready for any kind of enquiry.

10. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Manamadurai, Sivagangai District and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

11. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE ,
MANAMADURAI, SIVAGANGAI DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT



3 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to MR.D.SARAVANAN, Advocate SR.No.14969

ORDER

IN

CRL OP(MD) No.13813 of 2018

Date :03/08/2018

PK/JC/SAR-1/21.08.2018 : 3P/6C