



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

Friday, the Twenty Second day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2771 of 2019

1 SANKAR
2 RAMAKRISHNAN
3 SELVAM
4 RAJESH
5 RAVICHANDRAN
6 AMULRAJ

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO.246/2014

... RESPONDENT/COMPLAINANT

For Petitioners : MR.D.VENKATESH, Advocate

For Respondent : THE ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 353 IPC and Section 3 of the TNPPDL Act, 1992 in Cr.No.246 of 2014, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 27.09.2014 at about 03.00 p.m., near Anna Statue, Surandai, the persons belong to AIADMK Party caused hindrance to the public and forced the shop owners to shutdown their shops. When the same was objected by the respondent police, the petitioners damaged the windows of the Government vehicle viz., TATA Sumo bearing Reg.No.TN 72 G 1071 and the damage was assessed as Rs.10,000/-, for which, the respondent police registered the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and he is an innocent person. He would further



submit that this Court already granted anticipatory bail to the co-accused in Crl.O.P.(MD)No.1942 of 2019, on 07.02.2019.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that co-accused already enlarged with bail, 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, Alangulam, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/02/2019

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



1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to MR.D.VENKATESH Advocate SR.No.3750

ORDER
IN
CRL OP(MD) No.2771 of 2019
Date :22/02/2019

GNS
PK/MMS/SAR-1/07.03.2019 : 3P/6C