



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7604 of 2019

1 VELUCHAMY SERVAI
2 NACHAMMAL
3 PUSPHAM
4 GOMATHI
5 SANTHAVALLI

... PETITIONERS/ACCUSED Nos.1 to 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.167 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioners : MR.M.JERIN MATHEW Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

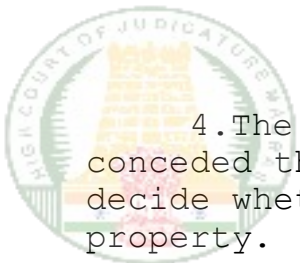
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.1 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 341 and 353 IPC, in Crime No.167 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had wrongly restrained and deterred the public servants, while they were discharging their official duty in Survey No.987 at Poomparai Village, Kodaikanal. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4. The learned Government Advocate (Criminal Side) fairly conceded that previous to the occurrence, a civil suit is pending to decide whether the property is a Government property or petitioners' property. However, no one is sustained injury in the alleged occurrence.

WEB COPY

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that at the time of occurrence, the petitioners threatened the officials, who came to the occurrence place for removing encroachments. Considering the offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some stringent conditions.

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 District Munsif Cum Judicial Magistrate, Kodaikanal on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

- (i) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;
- (ii) the petitioners shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;
- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

WEB COPY

sd/-
30/05/2019

/ TRUE COPY /

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

TO

- 1.THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KODAIKANAL
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
- 3.THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.JERIN MATHEW Advocate SR.No.9008

ORDER
IN
CRL OP(MD) No.7604 of 2019
Date :30/05/2019

MYR/TA
PK/PN/SAR-1/03.06.2019 : 3P/6C