



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

Friday, the Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22681 of 2018

1 M. MUTHUPANDI
2 M. BOOPATHI @ MOHANASUNDARA BOOPATHI
3 S. VELMURUGAN ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT,
(CRIME NO.129/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.SELVAKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

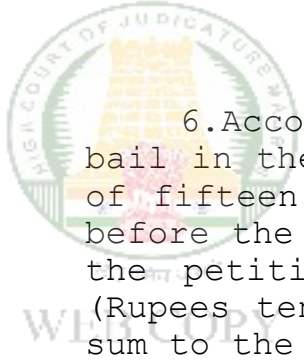
The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 143, 297 and 505 (2) of IPC, in Cr.No.129 of 2018 seek anticipatory bail.

2.The case of the prosecution is that the petitioners on over enthusiasm, desecrated the memorial of communal leader Venkadesh Pannaiyar and taken photo graphs of it and posted it on facebook and whatsapp which had caused annoyance and disturb the public peace. Hence, the case.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged crime.

4.The learned Government Advocate (Crl. Side) submits that the A1 and A2 in this case has been arrested and released on bail. The third petitioner is a college student.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioners is 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, Srivaikundam, 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 1 & 2 shall report before the Inspector of Police, Surandai, Tirunelveli District daily at 10.00 a.m. and since the third petitioner is a college student, he shall appear before the same police on every Saturday and Sunday at 10.00 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.



3 THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE INSEPCTOR OF POLICE,
SURANDAI, TIRUNELVELI DISTRICT.

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

+1. CC to Mr.S.SELVAKUMAR Advocate SR.No.235

PS/PN/SAR-2/09.01.2019/3P/7C

ORDER

IN

CRL OP (MD) No.22681 of 2018

Date :04/01/2019