



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

Tuesday, the Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21137 of 2018

SAKTHI RAMASAMY @ RAMASAMY SAKTHIVEL ... PETITIONER / A-1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MENAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
IN CRIME NO. 133 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.BAALASUNDHARAM Advocate

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

For Intervenor : M/S.P.MALINI, Advocate

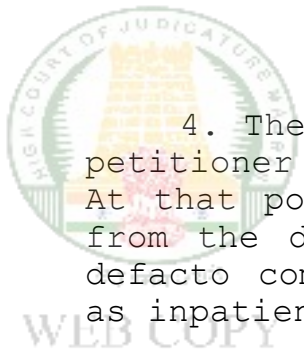
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 323, 506(i), 379 of IPC r/w. Section 4 of TNPHW Act, in Crime No.133 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the the defacto complainant who belongs to some Rights International Organisation, Thoothukudi had gone to Thanjavur District for providing relief to the persons who have been affected in the recent Gaja cyclone and they are standing near Manalmelkudi after relief work, mob of 20 persons came to place and started attacking the defacto complainant. At that point of time 3^{1/2} sovereigns of gold chain was found missing from the defacto complainant. Further some of the members in the group sustained injuries and they have taken treatment and later discharged from the hospital.

3.The learned counsel for the petitioner would submit that the petitioner who came in vehicle were obstructing traffic parking vehicles in a hapazard manner, obstructing free movement of an Ambulance and they abused the people who requested to move the vehicle and at that time there was quarrel between two groups.



4. The learned counsel for the intervenor would submit that the petitioner and his team started attacking the defacto complainant. At that point of time, 3^{1/2} sovereigns of gold chain was snatched from the defacto complainant and due to the above incident, the defacto complainant sustained injuries. Some has to take treatment as inpatient, women fold modesty was outraged.

5. The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and the offence under Section 379 has been dropped.

5. Taking note of the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Aranthangi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
MENAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.K.BAALASUNDHARAM Advocate SR.No. 414

ORDER
IN
CRL OP (MD) No.21137 of 2018
Date :08/01/2019

JM/PN/SAR 4/21.01.2019/3P/6C