



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

Wednesday, the Eleventh day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.1064 of 2015

WEB COPY

1 ELAVARASAN
2 ELAMARAN
3 ELACHEZHIAN
4 ALAGUSIVA
5 SUBBAMMAL

... PETITIONERS/ACCUSED No.1 TO 5

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
SEDAPATTI POLICE STATION,
MADURAI DT.
CR.NO.13 OF 2015

... RESPONDENT/COMPLAINANT

R.SIVARATHIRI

...INTERVENOR

For Petitioner : M/S.S.RAMASAMY Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
For Intervener : MR.C.VAKEESWARAN , Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 307 of Indian Penal Code in Crime No.13 of 2015 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that these petitioners and the *defacto* complainant Raman were having a civil dispute and six months back, Elavarasan (first petitioner) has lodged a complaint against the *defacto* complainant's father. It is alleged that on 17.01.2015, the petitioners had gone to the house of the *defacto* complainant and indiscriminately attacked him with iron rod, resulting in serious injuries to the *defacto* complainant. On the date of occurrence, he was taken to the Government Hospital, Usilampatti and there, he was referred to Government Rajaji Hospital, Madurai, since the injuries were serious head injuries.

3. The learned counsel for the petitioners would submit that the injured has been discharged from the hospital.

4. Be that as it may, the allegations against the petitioners 1 to 3 herein are indeed very serious, inasmuch as they have caused severe injuries to the *defacto* complainant and hence, the petition seeking anticipatory bail for them is liable to be dismissed.

5. As regards Alagusiva (fourth petitioner) and Subbammal (fifth petitioner), they are being ladies, I am of the opinion that it is a fit case to grant anticipatory bail to them.



6. Accordingly, the petitioners 4 and 5 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, Peraiyur on condition that the petitioners 4 and 5 shall execute a separate 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 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 4 and 5 shall report before the respondent police daily at 10.00 a.m., for a period of one week and thereafter, as and when required for interrogation.

[b] the petitioners 4 and 5 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 4 and 5 shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners 4 and 5 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioners 4 and 5 are complying with the order or not.

7. Insofar as the petitioners 1 to 3 herein are concerned, the petition seeking anticipatory bail stands dismissed.

sd/-

11/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERAIYUR.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SEDAPATTI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAMASAMY Advocate SR.No.6265

+1. CC to M/S.C.VAKEESWARAN, Advocate SR.No.6283

ORDER

IN

CRL OP(MD) No.1064 of 2015

Date :11/02/2015

PA/12.02.15/2P/7C

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