



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

Monday, the Ninth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2196 of 2015

1 THANGARAJ @ AJAY
2 RENGASAMY
3 MANI @ MANIKANDAN
4 KARUPPIAH
5 POOPANDIYAMMAI @ PANDIYAMMAL
6 SUMITHA
7 SUBBIAH

... PETITIONER(S) / ACCUSED 2 to 8

Vs

THE STATE REP. BY THE SUB INSPECTOR OF POLICE
AMBADURAI POLICE STATION, DINDIGUL DISTRICT.
CR. NO.193/2014.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.MASILAMANI Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

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

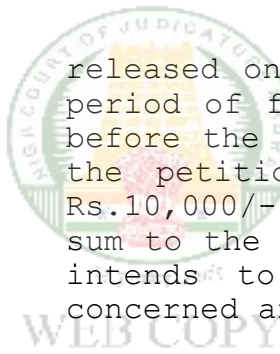
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 323, 324, 427 and 307 of Indian Penal Code in Crime No.193 of 2014 on the file of the respondent police, seek anticipatory bail.

2. This is the third anticipatory bail application and the first two anticipatory bail applications were dismissed by this Court by a well considered order.

3. It is the case of the prosecution that on the date of incident, these petitioners along with A-1 had gone to the house of Subbukkalai. While hearing cries from the neighbourhood, the *defacto* complainant, her daughter and husband rushed to the place. There, they found that A-1 armed with knife and these petitioners also armed with stick. They were attacking the house of Subbukkalai and Perumal in retaliation to the murder of one Muthupandi who was murdered by the *defacto* complainant's party. When the *defacto* complainant went there, she was also attacked by the accused on her head and the ladies, who formed the group, had attacked one Similarani by hands.

4. In view of the facts narrated above, this Court is of the opinion that it would be a fit case to grant anticipatory bail for Poopandiyammal @ Pandiyammal-fifth petitioner herein and Sumitha-sixth petitioner herein, in this case. Accordingly, the petitioners 5 and 6 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 No.III, Dindigul, on condition that the petitioners 5 and 6 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 5 and 6 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 5 and 6 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 5 and 6 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 5 and 6 in accordance with law as if the conditions have been imposed and the petitioners 5 and 6 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 5 and 6 are complying with the order or not.

5. Insofar as the other petitioners herein are concerned, since the allegations levelled against them are very serious in nature, the petition seeking anticipatory bail stands dismissed.

sd/-
09/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.III, DINDIGUL.

2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE SUB INSPECTOR OF POLICE
AMBADURAI POLICE STATION, DINDIGUL DISTRICT.

+1. CC to M/S.C.MASILAMANI Advocate SR.No. 5939.