



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Sixth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23121 of 2014

1 MATHI
2 SHANTHI
3 SIVA MADHAVAN

... PETITIONERS 1 TO 3/ACCUSED NOS.1 TO 3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ILAYANKUDI POLICE STATION,
SIVAGANGAI DIST,
CR.NO.322/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.LAWRANCE Advocate

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

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

ORDER : The Court Made the following order :-

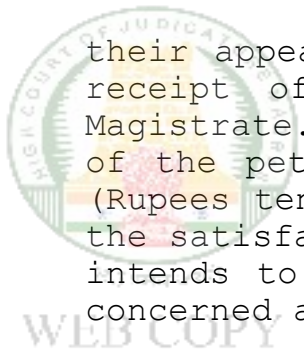
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 336 and 506(i) IPC in Crime No.322 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State. The Investigating Officer is also present in this Court.

3. The case of the prosecution is that the 3rd petitioner is the Thukavur Village Panchayat President, the 2nd petitioner is the Vice President of the said Panchayat and the 3rd petitioner is an employee under the 3rd respondent. It is alleged that these petitioners had removed a Tamarind tree pursuant to the Court order in O.S.No.63 of 2012 for the purpose of widening the road, which was objected to by the defacto complainant and therefore, the defacto complainant is said to have been assaulted by these petitioners.

4. Learned Government Advocate (Crl.Side) submits that the injured has been discharged from hospital.

5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. 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 Judicial Magistrate. Ilayankudi, Sivagangai District. on condition that each of 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 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 shall report before the respondent police as and when required for interrogation.

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

[c] the petitioners 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 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]**.

sd/-

06/01/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ILAYANKUDI, SIVAGANGAI DISTRICT
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE ILAYANKUDI POLICE STATION,
SIVAGANGAI DIST,
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.LAWRANCE Advocate SR.No.369

ORDER

IN

CRL OP(MD) No.23121 of 2014

Date :06/01/2015

NA/08/01/2015/P2/6C