



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

Wednesday, the Fourth day of February Two Thousand Fifteen
PRESENT

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

CRL OP(MD) No.874 of 2015

1 CHINNAKAMMULUSAMY
2 PARAMAN

... PETITIONERS/ACCUSED No.1 and 2

Vs

STATE.REP.BY,
THE INSPECTOR OF POLICE
CHINNAMANNOR POLICE STATION,
THENI DISTRICT.
CR. NO. 46 OF 2015.

... RESPONDENT/COMPLAINANT

M.SURULIVEL

.... INTERVENER

For Petitioner : M/S.B.JEYAKUMAR Advocate
For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)
For Intervener : MR.K.P.S.PALANIVEL RAJAN, 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 294(b), 323 and 506(i) I.P.C. in Crime No.46 of 2015 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) and the learned Counsel for the intervenor.

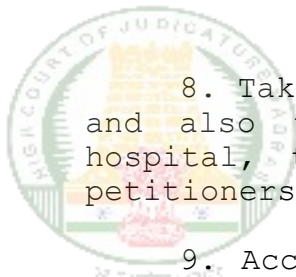
3. Initially when the petition was filed, the Crime Number was shown as not known and hence, this Court granted interim anticipatory bail to the petitioners on 21.01.2015, with a direction to the petitioners to appear before the respondent police and the respondent police was directed to file a status report before this Court.

4. Today, Mr.K.P.S.Palanivelrajan, learned Counsel appears for the intervenor and very strongly objected to grant anticipatory bail to the petitioners.

5. The respondent police is also present and they have filed a status report, in which they have stated that a regular case in Cr.No.46 of 2015 for offence under Sections 294(b), 323 and 506(i) I.P.C. has been registered against the petitioners.

6. It is the case of the prosecution that the first petitioner is the father of the second petitioner and that when the second petitioner was quarrelling with his wife and the defacto complainant, tried to pacify them and hence, their anger turned towards the defacto complainant and they attacked him with pestle.

7. The learned Government Advocate (Crl.Side) would submit that the defacto complainant has been discharged from the hospital and there is no previous case as against the petitioners.



8. Taking into consideration 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 petitioners.

9. 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, Uthamapalayam, Theni 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 stay at Palani and report before the Adivaram Police Station, twice a day daily at 10.30a.m. and 06.30p.m. for a period of two weeks and thereafter 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 Judicial 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 Judicial 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 compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioner is complying with the order or not.

sd/-

04/02/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, UTHAMPALAYAM, THENI DISTRICT.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THENI.

3 THE INSPECTOR OF POLICE,
CHINNAMANNOOR POLICE STATION, THENI DISTRICT.

4 THE OFFICER INCHARGE, ADIVARAM POLICE STATION, PALANI.

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

ORDER IN

CRL OP(MD) No.874 of 2015

Date :04/02/2015