



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10234 of 2016

1 ASHWIN

2 AMIRTHALINGAM

..PETITIONERS/ACCUSED 1 & 4

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

SOUTH POLICE STATION,

THOOTHUKUDI DISTRICT.

CR NO. 703 OF 2016.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S S.RAJENDRAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

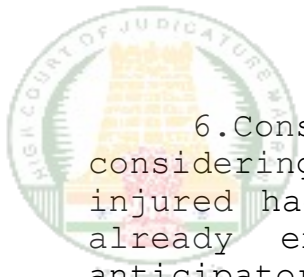
The petitioners, who are arrayed as Accused Nos.1 and 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) IPC and Section 3 of TNPPDL Act, 1992, in Crime No.703 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners and other accused picked up a quarrel with the defacto complainant and abused him in filthy language and damaged the two wheeler worth about Rs.5,000/-. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned counsel for the petitioners submitted that first petitioner is ready and willing to deposit a sum of Rs.2,000/- and A.3 in this case was already enlarged on bail vide order dated 20.06.2016 made in Crl.O.P(MD)No.9654 of 2016 subject to the condition that he has to deposit a sum of Rs.3,000/- to the credit of this case.

5.The learned Government Advocate(Crl.side) submitted that this is a case and case in counter and the injured person had already been discharged from the hospital.



6. Considering the facts and circumstances of the case and also considering the fact that this is a case and case in counter and the injured had already been discharged from the hospital and A.3 was already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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.I, Thoothukudi, on condition that the first petitioner shall deposit a sum of Rs.2,000/- to the credit of Crime No.703 of 2016 before the learned Judicial Magistrate No.I, Thoothukudi and each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
24/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SOUTH POLICE STATION, THOOTHUKUDI DISTRICT.

+1. CC to M/S S.RAJENDRAN Advocate SR.No.32713

ORDER IN

CRL OP(MD) No.10234 of 2016

Date : 24/06/2016