



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10253 of 2016

1 KATHIRVELU
2 BALA @ BALASUBRAMANIAN
3 RAJKUMAR
4 SAKTHIVEL @ KATHIRVEL
5 ATHIKRISHNAN
6 BALAKRISHNAN
7 JEYAMURUGAN
8 NALLAMUTHUNADAR
9 THANGADURAI
10 RAMASUBBU
11 ARUMUGAKANI
12 RATHINAPANDI
13 SANKAR
14 PARAMASIVAM

..PETITIONERS/ACCUSED 1 to 14

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 89 OF 2016)

..RESPONDENT/COMPLAINANT

MAHARANI

..INTERVENOR

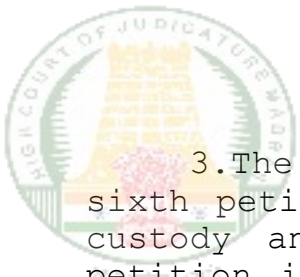
For Petitioner : M/S A.SANKARA RAMASUBRAMANIAN Advocate
For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)
For Intervenor : Mr.S.R.A.RAMACHANDRAN, Advocate

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 to 14, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 307 of IPC, Section 4 of Tamil Nadu Protection of Women from Harassment Act and Sections 3 and 4 of TNPPDL Act, in Crime No.89 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 16.05.2016, due to previous enmity, the accused persons came to the house of the de facto complainant with deadly weapons and attacked her and caused injury to her and also damaged household articles worth about RS.30,000/- . On complaint case has been registered for the above said offences.



3.The learned counsel for the petitioners submitted that the sixth petitioner/A.6 was already arrested and remanded to judicial custody and he seeks permission of this Court to withdraw the petition in respect of the sixth petitioner alone. Permission is granted. Accordingly, this petition is dismissed as withdrawn in respect of the sixth petitioner alone.

4.The case of the petitioners is that the petitioners 1 to 5 and 7 to 14 are innocent persons and they have not committed any offence as alleged by the prosecution.

5.The learned counsel for the petitioners submitted that the petitioners 1 to 5 and 7 to 14 are willing to deposit Rs.2,000/- each to the credit of Crime No.89 of 2016 before the Judicial Magistrate, Cheranmahadevi.

6.The learned counsel for the intervenor has reiterated the averments made in the petition and also submitted that the petitioners damaged the household articles worth about Rs.30,000/-.

7.The learned Government Advocate (Criminal side) submitted that the injured person had already been discharged from the hospital.

8.Considering the facts and circumstances of the case and also considering the fact that injured person had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1 to 5 and 7 to 14 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, Cheranmahadevi, on condition that each of the petitioners 1 to 5 and 7 to 14 shall deposit Rs.2,000/- to the credit of Crime No.89 of 2016 before the learned Judicial Magistrate, Cheranmahadevi and each of them 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 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 1 to 5 and 7 to 14 shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners 1 to 5 and 7 to 14 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 1 to 5 and 7 to 14 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 1 to 5 and 7 to 14 in accordance with law as if the conditions have been imposed and the petitioners 1



to 5 and 7 to 14 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]**.

9. 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 1 to 5 and 7 to 14 are complying with the conditions or not.

sd/-

13/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S S.R.A. RAMACHANDRAN, Advocate SR.No.36296
+1cc to M/s.A.SANKARA RAMASUBRAMANIAN, Advocate in SR.36297

ORDER IN

CRL OP(MD) No.10253 of 2016

Date :13/07/2016

PBK/SK-SKN/SAR-II 15/07/2016 ::3P-7C::