



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP (MD) Nos.11248 & 11295 of 2016

1 CLERK JEYAM @ LAKSHMANA KRISHNA JEYAM

2 PARAMASIVAN

..PETITIONERS/ACCUSED 8 & 9
in Cr1.OP (MD) No.11248/2016

1 MUTHUKUMAR

2 RAMBHARATH

..PETITIONERS/ACCUSED 6 & 7
in Cr1.OP (MD) No.11295/2016

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

KURUMBUR POLICE STATION,

THOOTHUKUDI DISTRICT.

CR NO. 106/2016 RESPECTIVELY

..RESPONDENT/COMPLAINANT
in both the petitions

For Petitioner : M/S V.NATARAJAN Advocate

in Cr1.OP (MD) No.11248/2016

For Petitioner : M/S B.JEYAKUMAR, Advocate

in Cr1.OP (MD) No.11295/2016

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Cr1.Side)

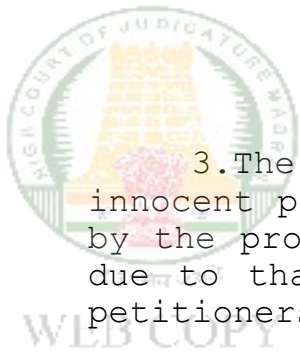
in both the petitions

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.6 to 9, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 323, 506 (ii) IPC, Section 4 of TNPWH Act and Section 3 of TNPPDL Act, in Crime No.106 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 30.06.2016 at about 07.30 p.m., due wordy quarrel, when the de facto complainant was at his house along with his family members, A.1 along with other accused came to his house with wooden logs and iron rod and abused them in filthy language and attacked the de facto complainant and his wife with wooden logs and hands and also pushed down his wife and damaged the chairs and utensils kept in the house. The accused also threatened them with dire consequences. On complaint case has been registered for the above said offences.



3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. A.6 and A.7 are the family members of A.1 and due to that they have been falsely implicated in this case. The petitioners/A.6 to A.9 were not present in the place of occurrence.

4.The learned counsel for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.5,000/- each to the credit of Crime No.106 of 2016 before the learned Judicial Magistrate, Srivaikundam, Tuticorin District.

5.The learned Government Advocate (Criminal side) submitted that due wordy quarrel, all the accused went to the house of the de facto complainant and abused him and his wife in filthy language and attacked them with wooden logs and hands and pushed down his wife and threatened them with dire consequences and also damaged household articles. The injured has sustained only simple injury. Investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that he injured has sustained only simple injury, 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, Srivaikundam, Tuticorin District, on condition that each of the petitioners shall deposit a sum of Rs.5,000/- each to the credit of Crime No.106 of 2016 before the learned Judicial Magistrate, Srivaikundam, Tuticorin District 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 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.

WEB COPY

sd/-
18/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 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, KURUMBUR POLICE STATION, THOOTHUKUDI DISTRICT.

+1. CC to M/S V. NATARAJAN Advocate SR.No.37336
+1cc to M/s. B. JEYAKUMAR, Advocate in SR.37607

ORDER IN
CRL OP(MD) Nos.11248 & 11295 of 2016
Date :18/07/2016

PBK/NGM-MP/SAR-II 21/07/2016 ::3P-7C::