



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11367 of 2016

1 S. RAJIV KANNAN
2 SUBRAMANI

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT.

CRIME NO. 174 OF 2016 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.SRIDHARAN Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

For Intervener : MR.R.GOWRISHANKAR, Advocate

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

ORDER : The Court Made the following order :-

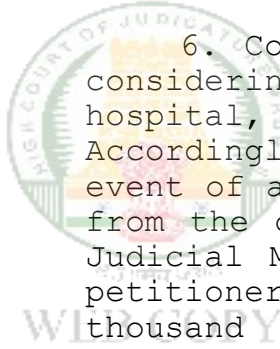
The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 341,294(b), 323, 324, 506(ii) and 109 of IPC in Crime No.174 of 2016, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioners attacked the defacto complainant and abused him in filthy language and also threatened him with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned counsel for the intervenor submitted that the accused persons throw the chilly powder on the face of the defacto complainant and due to that brain vessels are affected and after discharge from the hospital, he admitted in the private hospital for further treatment and prays for dismissal of this petition.

5. The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital and the investigation of the case is pending.



6. Considering the facts and circumstances of the case and also considering the fact that injured has been discharged from the hospital, 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 No.II, Usilampatti, on condition that each of the petitioners 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 first petitioner shall report before the respondent police daily at 10.00 am and 5.00 pm until further orders and the second petitioner shall appear 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/-

19/07/2016

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

trp
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE, ELUMALAI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.SRIDHARAN Advocate SR.No.37599

GJM/PEK/SAR-II-22.7.16-2P-6C