



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11384 of 2016

1 ALAGARSAMY
2 SUBBULAKSHMI

... PETITIONER

Vs

STATE REP.BY ITS
INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
(NORTH) RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 423 OF 2016

... RESPONDENT

For Petitioner : M/S A.BALAJI Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

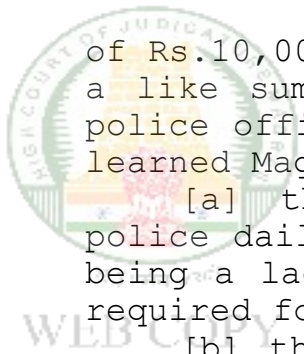
The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 323 and Section 4 of TNPHW Act, 2002 in Crime No.423 of 2016, seek anticipatory bail.

2. The case of the prosecution is that due to pathway dispute, the petitioners are alleged to have attacked the defacto-complainant 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 Government Advocate (Crl. Side) submits that the injured has been discharged from the hospital and investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has already 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, Rajapalayam 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 1st petitioners shall report before the respondent police daily at 10.00 am until further orders and the 2nd petitioner being a lady 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/-

12/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, RAJAPALAYAM NORTH POLICE STATION,
(NORTH) RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S A.BALAJI Advocate SR.No.35743

JA-SKS-RR/SAR.III/15.7.2016/2P:6C

ORDER

IN

CRL OP(MD) No.11384 of 2016

Date :12/07/2016