



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.11690 of 2016

1 TAMILARASAN

2 MAYALAGU

3 SEBASTIAN

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR NO. 80 OF 2016.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.UTHAYAKUMAR Advocate

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

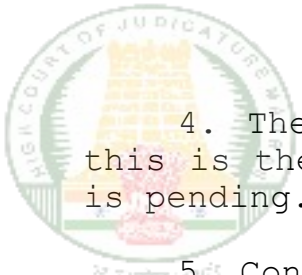
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC @ 302 of IPC in Crime No.80 of 2016, seek anticipatory bail.

2. The case of the prosecution is that on 05.05.2016 the deceased after consuming alcohol and taking Ganja in drunken mood went to the petitioners house in the night hours and misbehaved with the second petitioner. On her shout, her husband came there and both the petitioner restrained and beaten the deceased. Due to that, he fell down and sustained injuries. Subsequently, he was taken treatment under Government Rajaji Hospital and died. 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 not been found in First Information Report. He further submitted that co-accused have already been granted anticipatory bail by this Court in Crl.O.P(MD). No.8617 of 2016, dated 07.06.2016 and prayed for granting anticipatory bail in favour of the petitioner.



4. The learned Government Advocate (Crl. Side) submitted that this is the case and counter case and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been granted anticipatory bail by this Court in Crl.O.P(MD).No.8617 of 2016, dated 07.06.2016, 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, Paramakudi, Ramnad District 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 petitioners shall report before the respondent police daily at 10.00 am until further orders.

[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/-

14/07/2016

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION, RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.UTHAYAKUMAR Advocate SR.No.36573

ORDER IN

CRL OP(MD) No.11690 of 2016

Date :14/07/2016