



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

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14405 of 2016

1 VELMURUGAN

2 ALAGAR

3 KUMARESAN

4 MURUGAN

5 LAKSHMI

6 KARTHICK RAJA

... PETITIONERS 1-6 / ACCUSED NO.1-6

7 JYOTHI SELVAM

8 MANIKANDAN

... PETITIONERS 7& 8 / ACCUSED NO.9 &11

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

KARIAPATTI POLICE STATION,

VIRUDHUNAGAR DISTRICT.

IN CR.NO. 201 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN Advocate

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

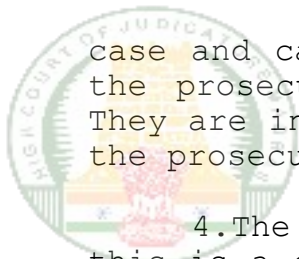
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 6, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 307 IPC, in Crime No.201 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity in connection with the cutting of tender palm fruits at the Patta land, on 12.07.2016, at about 7.30 a.m., near Chitthu Moondradaipu Bus stop, the petitioners attacked the defacto complainant and caused injuries. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that since the petitioners are scheduled caste people, the defacto complainant and his men only waylaid the petitioners and attacked, caused injuries. Therefore a criminal case in Crime No.200 of 2016 was registered by the respondent police and then all of them released on bail. In order to escape from the clutches of law, on the complaint of the petitioners under SC/ST Act, the present case has been registered as counter case. This is a



case and case in counter. No such occurrence took place as alleged by the prosecution. The petitioners are no way connected in this case. They are innocent and they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) submitted that this is a case and case in counter and no one sustained injury and the investigation is pending.

5.Considering the nature of allegation made against the petitioners and also considering the fact that no one sustained 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 No.2, Virudhunagar, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the fifth petitioner shall report before the respondent Police as and when required and the other petitioners shall report before the respondent Police daily at 10.30 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]**.

6.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.

sd/-
10/08/2016

/ TRUE COPY /

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



PJL

TO

1 THE JUDICIAL MAGISTRATE NO.2, VIRUDHUNAGAR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE SUB INSPECTOR OF POLICE, KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.43580

GJM/SS3/SAR-III-17.8.16-3P-6C

ORDER

IN

CRL OP (MD) No.14405 of 2016

Date :10/08/2016