



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.14722 of 2016

1 SARASWATHI
2 PALANISAMY
3 KUPPATHAL

... PETITIONERS/ACCUSED 2,5 & 6

Vs

STATE REP BY THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION, DINDIGUL DISTRICT
CR. NO. 214 OF 2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

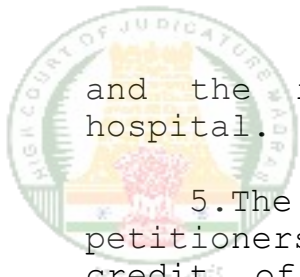
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2,5 and 6 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 427, 294(b) and 506(ii) IPC @ Sections 147, 447, 294(b), 506(ii) IPC and Section 3 of TNPPDL Act, in Crime No.214 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 24.07.2016, due to civil dispute, the petitioners along with other accused persons formed an unlawful assembly, trespassed into the garden of the de facto complainant and damaged a small hut and when the same was questioned by the de facto complainant, they abused him in filthy language and threatened him with dire consequences. On complaint, a case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent and they have not committed any offence and prays for anticipatory bail in favour of the petitioners. A.3 in this case was already granted anticipatory bail by this Court vide order dated 08.08.2016 made in Crl.O.P(MD) No.14079 of 2016.

4.It is submitted by the learned Government Advocate (Crl.Side) that the petitioners and other accused persons caused damage to the hut belonging to the de facto complainant to the tune of Rs.9,000/-



and the injured person had already been discharged from the hospital.

5.The learned counsel for the petitioner submitted that the petitioners are willing to deposit a sum of Rs.2,000/- each to the credit of Crime No.214 of 2016 before the learned Judicial Magistrate, Palani.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, 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, Palani, on condition that each of the petitioners shall deposit a sum of Rs.2,000/- to the credit of Crime No.214 of 2016 before the learned Judicial Magistrate, Palani 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 second petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders and the petitioners 1 and 3 shall report before the respondent police as and when required for interrogation.
- (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.

sd/-
12/08/2016

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE, PALANI
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
- 3 THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.44804

ORDER

IN

CRL OP (MD) No.14722 of 2016

Date :12/08/2016

AA/PV-MPA/SAR-III/19.08.2016/3p-6c