



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

Thursday, the Twentieth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20058 of 2016

1 R.KANNAN,
2 M.RAJENDRAN,
3 DHANAM,

..PETITIONERS/ACCUSED

Vs.

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
CR.NO.376/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.THIRUPATHI Advocate

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

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC r/w Section 4 TNPWH Act in Crime No.376 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

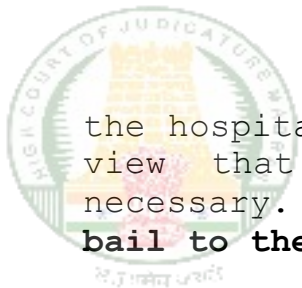
2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that due to civil dispute, the petitioners are said to have attacked the defacto complainant, which resulted in registration of the case.

4. Learned counsel for the petitioners would submit that the petitioners and the defacto complainant are own brothers and the petitioners have been falsely implicated in this case by giving criminal colour to the civil case.

5. Learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital and that there is a counter case in Crime No.375 of 2016.

6. Considering the facts and circumstances of the case and also taking note of the fact that injured has been discharged from



the hospital and that it is a case in counter, this Court is of the view that custodial interrogation of the petitioners is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Melur, subject to the following conditions:**

(i) **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 Magistrate concerned;

(ii) **the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;**

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 petitioner released on bail by the 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/-

20/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,MADURAI.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, KEELAVALAVU POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S.D.THIRUPATHI Advocate SR.No.62553

ORDER IN

CRL OP(MD) No.20058 of 2016

Date :20/10/2016