



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

Friday, the Twenty First day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20256 of 2016

1 A.PRAVEEN

2 A.PRAKASH

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

THURAIYUR POLICE STATION,

THURAIYUR, TRICHY DISTRICT.

(CRIME NO.287 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.C.ASAITHAMBI 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 and 506 (i) IPC in Crime No.287 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 previous enmity, the petitioners are alleged to have scolded the defacto complainant in filthy language and beaten him with stick, which resulted in registration of the case.

4. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would further submit that co-accused, namely, A1 & A3 were arrested and released on bail.

5. Learned Government Advocate (Crl. Side) submitted that the injured was treated as Out-Patient and that there is no previous case as against the petitioners.



6. Considering the facts and circumstances of the case and also taking note of the fact that A1 and A3 were already released on bail and that the injured was treated as O.P. only, 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, Thuraiyur, subject to the following conditions:**

(i) **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 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 petitioner 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/-

21/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, THURAIYUR, TRICHY DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, THURAIYUR POLICE STATION, THURAIYUR, TRICHY DISTRICT.

+1. CC to M/S.A.C.ASAITHAMBI Advocate SR.No.62639

ORDER IN

CRL OP(MD) No.20256 of 2016

Date :21/10/2016