



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

Tuesday, the Twenty Fifth day of October Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP (MD) No.20402 of 2016

1 DESINGHRAJAN
2 VEERASELVAM

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
TUTICORIN DISTRICT,
CRIME NO. 330 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. 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 in Crime No.330 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 on either side.

3.The case of the prosecution is that due to wordy quarrel, the petitioners attacked the defacto complainant and also threatened him.

4.It is the case of the petitioners that they are innocent and they have been falsely implicated in this case. It is his further submission that it is a case in counter.

5.Learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital.

6.Taking note of the facts and circumstances of the case, as the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners. 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 learned Judicial Magistrate, Srivaikundam, Thoothukudi District 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. until further orders;

(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 petitioners 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/-

25/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, TUTICORIN.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.

3 THE INSPECTOR OF POLICE, ERAL POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM, Advocate SR.No.63375.

ORDER IN

CRL OP(MD) No.20402 of 2016

Date :25/10/2016

msm/pv/sar3/04.11.16/p2/6c