



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

Monday, the Twenty First day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22001 of 2016

1 MUTHUKUMAR,
2 ANTONY PRASANA,
3 SURESH KUMAR,
4 PANDIDURAI,

... PETITIONERS/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.863 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.ANANTHA MURUGAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 341, 294(b) and 307 IPC in Crime No.863 of 2016 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 13.11.2016 the petitioners attacked the de facto complainant with sword and caused grievous injuries.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners 2 and 3 were only friends of the 1st petitioner and they are no way connected with this case.

4.The learned Government Advocate (Crl.side) submitted that investigation is pending and she opposed for granting anticipatory bail to the 1st petitioner.



5. Considering the facts and circumstances of the case and also taking note of the specific overt act attributed against the 1st petitioner / A1, I am not inclined to grant anticipatory bail. However, considering the specific overt act attributed as against the petitioners 2 and 3 are concerned, I am inclined to grant anticipatory bail to the petitioners 2 and 3. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivakasi, on condition that the petitioners 2 and 3 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 learned Magistrate concerned and on further condition that:

[a] the petitioners 2 and 3 shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 and 3 shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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).

sd/-
21/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKASI
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.S.M.ANANTHA MURUGAN Advocate SR.No.70924.

ORDER

IN

CRL OP(MD) No.22001 of 2016

Date :21/11/2016