



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

Thursday, the First day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22754 of 2016

1 S.MADESWARAN
2 S.VIJAYASUNDER
3 K.VIJAYAKUMAR

... PETITIONERS / ACCUSED No.A1, A2 & A3

Vs

The State rep.by
THE INSPECTOR OF POLICE,
ERUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CR.NO.241 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SARAVANAN 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 :-

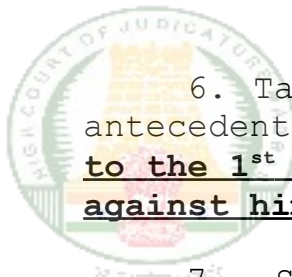
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 448 and 506(ii) IPC r/w Section 4 of TNPHW Act and Section 3(i) of TNPPDL Act in Crime No.241 of 2016 on the file of the respondent police, the petitioners have come forward 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 wordy quarrel, these petitioners along with other accused are alleged to have assaulted the defacto complainant and also damaged the Pipeline worth about Rs.3000/-, which resulted in registration of the case.

4. Learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that A4 and A5 were arrested and released on bail.

5. Learned Government Advocate (Crl.Side) submitted that injured has been discharged from hospital. She further submitted that the 1st petitioner has got two previous cases.



6. Taking note of the fact that the 1st petitioner has got bad antecedents, **this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, this petition stands dismissed as against him.**

7. So far as the petitioners 2 and 3 are concerned, since the petitioners 2 & 3 have no previous case and taking note of the fact that the injured has already been discharged from hospital, this Court is of the view that custodial interrogation of these petitioners 2 & 3 is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to them.**

8. Accordingly, **the petitioners 2 & 3 are ordered to be released on bail in the event of their arrest or appearance,** within a period of fifteen days from the date on which a copy of this order is made ready, before the Judicial Magistrate No.I, Sathur, Virudhunagar District, subject to the following conditions:

(i) each of the petitioner 2 & 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **with two common sureties** 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 10:30am for 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]**.

9. For the sake of brevity, it is reiterated that this petition is dismissed as against the 1st petitioner.

sd/-

01/12/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, SATHUR, VIRUDHUNAGAR DISTRICT

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
ERUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

sm:SS2:SAR 2:14/12/2016:3P/5C

ORDER

IN

CRL OP(MD) No.22754 of 2016

Date :01/12/2016