



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

Friday, the Eleventh day of March Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3735 of 2016

1 BALAMUTHU

2 ISAC

3 ANBUMANI

... PETITIONERS/ACCUSED 1, 4 & 6

Vs

STATE REP BY THE SUB INSEPCTOR OF POLICE

MATHUR POLICE STATION,

PUDUKOTTAI DISTRICT,

CR NO.47 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

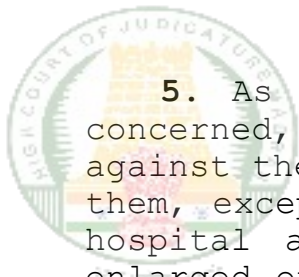
ORDER : The Court Made the following order :-

The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 148, 323, 324, 506(ii) and 307 I.P.C., in Crime No.47 of 2016, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioners / accused 1, 4 & 6 and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that the petitioners / accused 1, 4 & 6 along with others have attacked the *de facto* complainant on account of previous enmity.

4. When this Court is not inclined to grant anticipatory bail to the first petitioner / first accused, since the allegations raised in the F.I.R., as against him are very serious, the learned counsel for the petitioners has submitted that he is not pressing this petition as against the first petitioner / first accused and he has made an endorsement to that effect. In view of the same, this criminal original petition is dismissed as not pressed as against the first petitioner / first accused.



5. As regards the petitioners 2 and 3 / accused 4 and 6 are concerned, taking into consideration the nature of allegations made against them and the facts that there is no previous case as against them, except the present case, injured has been discharged from the hospital and the co-accused / accused 2, 3, 5 and 7 have been enlarged on bail, this Court is inclined to grant anticipatory bail to them. Accordingly, the petitioners 2 and 3 / accused 4 and 6 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Keeranoor, on condition that each of the petitioners 2 and 3 / accused 4 and 6 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners 2 and 3 / accused 4 and 6 shall report before the respondent Police daily at 06.30 p.m., until further orders.
- (ii) the petitioners 2 and 3 / accused 4 and 6 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 2 and 3 / accused 4 and 6 shall not abscond either during investigation or trial.
- (iv) 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 / accused 4 and 6 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 / accused 4 and 6 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners 2 and 3 / accused 4 and 6 are complying with the conditions or not.

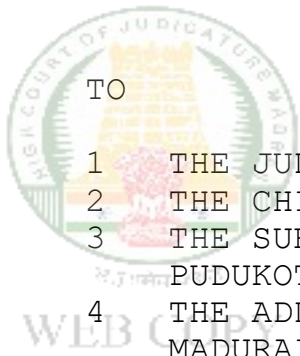
7. The criminal original petition, as against the first petitioners / first accused is dismissed as not pressed.

sd/-

11/03/2016

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



TO

- 1 THE JUDICIAL MAGISTRATE, KEERANOOR
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 3 THE SUB INSEPCTOR OF POLICE, MATHUR POLICE STATION,
PUDUKOTTAI DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.3735 of 2016

Date :11/03/2016

AA/SKS-RR/AR-I/16.03.2016/3p-5c