

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

Friday, the Sixteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23215 of 2016

1 S.MURUGAN

2 VELAN

... PETITIONERS / ACCUSED 1 & 2

Vs

State through

THE INSPECTOR OF POLICE

NERKUPPAI POLICE STATION,

SIVAGANGAI DISTRICT

(Crime.No.74 of 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BHARATHY KANNAN Advocate

For Respondent : Mr.P.Kandasamy, 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 alleged offence punishable under Sections 147, 148, 294(b), 323, 506(i) and 307 of I.P.C in Crime No.74 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent/State.

3. The learned Government Advocate(Crl. Side) appearing for the respondent on instructions submitted that there are totally five accused in this case and A-3 and A-4 were granted anticipatory bail by this Court and A-5 is still absconding and the petitioners are A-1 and A-2. He further submitted that A-1 is said to have attacked with aruval on the forehead of the injured and A-2 is said to have attacked with bottle on the forehead of the injured. The date of occurrence is 04.10.2016 and the injured was discharged from the hospital on 07.10.2016.

4.Considering the above facts and circumstances of the case and also considering the granting of anticipatory bail to the co-accused in this case and 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 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, Thruppathur, on condition that the petitioners shall execute a separate 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 shall report before the respondent Police daily at 10.00 a.m., until further orders.

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

[c] the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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/-
16/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
NERKUPPAI POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr.S.BharathyKannan, Advocate SR.No.81802

sm:SS3:SAR I:21/12/2016:2P/6C

ORDER
IN
CRL OP(MD) No.23215 of 2016
Date :16/12/2016