

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL ORIGINAL PETITION No.9699 of 2017

1 ANANDAN

[PETITIONERS / ACCUSED]

2 PALAVI

3 MEENACHI

4 PALANIAMMAL

5 DHANALAKSHMI

6 DIVYA

Vs

STATE BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,

KALLAVI POLICE STATION, KRISHNAGIRI DT.

CR.NO. 61 OF 2017.

For Petitioner : M/S.S.DEIVASIGAMANI Advocate

For Respondent : MR. M.MOHAMED RIYAZ, 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 offences punishable under Sections 147, 148, 324, 323, 354 and 435 IPC, in Crime No.61 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2. The learned counsel for the petitioners would submit that the petitioners have nothing to do with the alleged offence.

3. The case of the prosecution is that the defacto complainant lodged a complaint stating that there was an oral partition between their family members and they are cultivating the agricultural land, as per the oral partition; while so, on 06.05.2017, the defacto complainant and his family members were assaulted with stone and wooden sticks; due to that, the defacto complainant sustained simple injury and admitted to Government Hospital; during the time, the petitioners and were set fire on the poultry hut; hence, the complaint has been lodged by the defacto complainant.

3.1 The learned counsel the petition would point out that there is no material to show the firing.

4. The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital and as there is no previous case pending as against the petitioners, he has no objection to grant anticipatory bail to the petitioners.

5. 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, Uthangarai, on condition that 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 learned Judicial Magistrate concerned, and on further condition that:

(i) the petitioners shall report before the respondent Police, on every Monday and Wednesday, at 10.30 am, for a period of four weeks and thereafter, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is authorized to take appropriate action against the petitioners, in accordance with law, as if the conditions have been imposed and the petitioners were released on bail by the learned Magistrate / Trial Court, as laid down by the Hon'ble Supreme Court in the case of **P.K.Shaji v. State of Kerala (2005) AIR SCW 5560.**

-sd/-

24/05/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALLAVI POLICE STATION, KRISHNAGIRI DT.

+1CC to M/S.S.DEIVASIGAMANI Advocate on payment of necessary
charges SR.NO. 9427

CRL OP.9699/2017

Date :24/05/2017

EGR 26/05/2017