



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

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.13685 of 2017

1 SELVAMANI
2 PERIYASAMY

... PETITIONERS / ACCUSED Nos.1&2

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
ASTINPATTI POLICE STATION, MADURAI DISTRICT.
IN CR.NO.385 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.GOWRISHANKAR Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

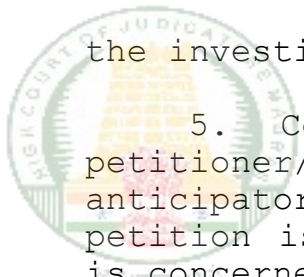
The petitioners, who are arrayed as A.1 and A.2 in Crime No.385 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections Sections 147,148,294(b),323,324 and 506(2) I.P.C., r/w Section 3(1) of TNPPDL Act and subsequently altered to Sections 147,148,294(b),323,324 and 506(2) I.P.C., r/w Section 3(1) of TNPPDL Act & 302 IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that on 13.08.2017 at about 08.00p.m., due to previous enmity, Accused No.1 quarrelled with his brother and while the defacto complainant was questioned the same, he was threatened by the Accused No.1. After that, Accused No.1 came with Accused Nos.2 to 14 armed with kambu, iron rod and stones and destroyed his paternal uncle's roof tiles and A.1 to A.3 were attacked the defacto complainant and A.1 kicked his brother and all the accused attacked some persons. Due to the said attack made by A.1 and A.2, one Alagan died. Hence, the case has been registered.

3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case and further, the second accused is a College student and he is studying 1st year B.E. at M.P.Nachimuthu Engineering College, Erode and hence, he prayed for anticipatory bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Additional Public Prosecutor would submit that



the investigation is going on.

5. Considering the overt act attributed by the first petitioner/Accused No.1, this Court is not inclined to grant anticipatory bail to the first petitioner/Accused No.1. Hence, this petition is dismissed insofar as the first petitioner/Accused No.1 is concerned.

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6. Considering the facts and circumstances and considering the fact that the second petitioner/Accused No.2 is a college student, this Court is inclined to grant anticipatory bail to the second petitioner/Accused No.2 with certain conditions. Accordingly, the second petitioner/Accused No.2 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Thirumangalam, Madurai District and on his executing 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 learned Magistrate concerned and on further condition that the second petitioner/Accused No.2 shall appear before the respondent police once in a week i.e., on every Monday at 10.30 a.m. until further orders. The second petitioner/Accused No.2 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The second petitioner/Accused No.2 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand automatically dismissed.

sd/-

12/10/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE,
ASTINPATTI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

JAM/13.10.17/PM-PN/SAR 1 / 2P-5C

ORDER

IN

CRL OP (MD) No.13685 of 2017

Date :12/10/2017