



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

Tuesday, the Eighth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10343 of 2017

1 S.MUTHUSELVAM
2 S.VIJAYA KUMAR

... PETITIONERS/ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT,
CRIME NO. 391/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.THANGAPANDIAN Advocate

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

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

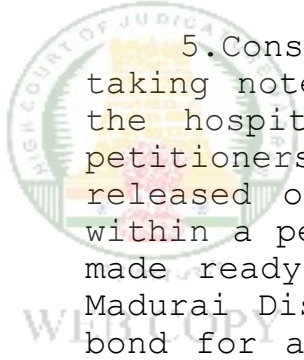
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 324 and 506(i) of IPC in Crime No.391 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the de facto complainant and the petitioners, there was some wordy quarrel arose. The 1st petitioner is said to have attacked the de facto complainant with hands and the 2nd petitioner said to have attacked with wooden log on the left side head of the de facto complainant and caused injuries.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are totally two accused in this case and the petitioners herein are arrayed as A1 and A2 respectively. He further submitted that the ~~complainant~~ ~~is discharged~~ from the hospital and the investigation is pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, I am 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate NoII, Madurai, Madurai District on condition that 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 Magistrate concerned and on further condition that:

[a]the petitioners shall report before the respondent Police daily at 10.30 a.m. for three weeks and thereafter, 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/-

08/08/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.M.THANGAPANDIAN Advocate SR.No.28365

GNS

CSL/RR-BS/SAR-I/11.08.2017 : 2P/6C



WEB COPY

Date :08/08/2017