



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

Thursday, the Tenth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10491 of 2017

1 SHANMUGAM
2 RAJKANNU
3 NARI @ ARAVIND
4 ARUN

... PETITIONERS / ACCUSED NO.1,2,4 AND 5

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION,
MARUVOOR, THIRUVAIYARU TALUK,
THANJAVUR DISTRICT
CRIME NO.81 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.T.INDRACHITHU Advocate

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

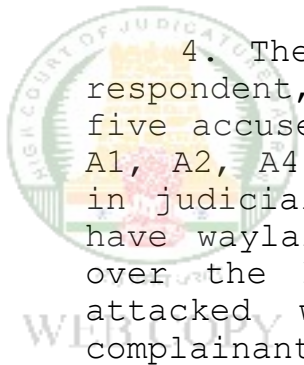
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 341, 506(ii) and 307 of IPC., in Crime No.81 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a driver in one Company and the accused working in another company and A1, A3, A4 said to have waylaid the defacto complainant and attacked with wooden log over the body of the defacto complainant and A2 said to have attacked with aruval on the right shoulder of the defacto complainant.

3. The learned counsel appearing for the petitioners states that the petitioners' parties and defacto complainant's parties had been clashed each other over land dispute leading to injuries on both sides. The petitioners are innocent and they have been falsely implicated in this case. There is a case in counter in Crime No.82 of 2017 against the defacto complainant and others, on the basis of the complaint given by the wife of the 2nd petitioner herein.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally five accused in this case and the petitioners herein are arrayed as A1, A2, A4 and A5 respectively and A3 was arrested and he is still in judicial custody. He also submitted that A1, A3, A4 said to have waylaid the defacto complainant and attacked with wooden log over the body of the defacto complainant and A2 said to have attacked with aruval on the right shoulder of the defacto complainant and the injured has been discharged from the hospital. The petitioner is having one previous case for the offence under Section 307 IPC Cases and the 2nd petitioner is having 7 previous cases for the offence under Section 307 IPC., inclusively in one case. There is a case in counter in Crime No.82 of 2017 against the defacto complainant and others, on the basis of the complaint given by the wife of the 2nd petitioner herein and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and the 1st petitioner is having one previous case under Section 307 IPC., and A2 is having 7 previous cases including one case under Section 307 IPC., **this Court is not inclined to grant anticipatory bail to the 2nd petitioner / A2** and this Court is inclined to grant anticipatory bail to the petitioners 1,3&4 / A1, A4 & A5 alone, with certain conditions.

6. Accordingly, the petitioners 1,3&4 / A1, A4 & A5 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, on condition that each petitioners 1,3&4 / A1, A4 & A5 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 they shall report before respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioners 1,3&4 / A1, A4 & A5 shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioners 1,3&4 / A1, A4 & A5 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

8. This petition in respect of 2nd Petitioner / A2 stands dismissed.

sd/-
10/08/2017

/ TRUE COPY /



MPK
TO

1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE, MARUVOOR POLICE STATION,
MARUVOOR, THIRUVAIYARU TALUK,
THANJAVUR DISTRICT.

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

+1. CC to M/S.T.INDRACHITHU Advocate SR.No.28604

GJM/RR/BS/SAR-3-11.8.17-3P-6C

ORDER

IN

CRL OP(MD) No.10491 of 2017

Date :10/08/2017