



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

Monday, the Twenty First day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10605 of 2017

1 YOGARAJ
2 MURUGANANDAM
3 KIRUBA @ KIRUBAHARAN
4 BOSE
5 KUTTI @ JEGADEESWARAN
6 SIVA @ SIVAKUMAR
7 RAMESH @ RAMESH MURUGAN.
8 JEYA @ JEYAKUMAR

... PETITIONERS / ACCUSED NO.2 to 9

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
CRIME NO.340 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.KANNADASAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

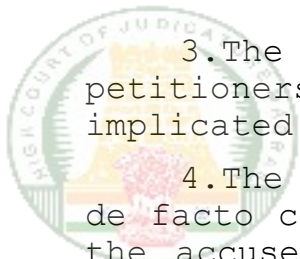
For Intervener : MR.S.MUTHUKUMAR Advocate

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 147, 148, 294(b), 324 & 506(ii) of IPC in Crime No.340 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute on behalf of temple festival. Two groups of people attacked each other and case was registered in Crime No.339 of 2017 dated 03.08.2017 for the occurrence dated 02.08.2017 at about 23 hours. The present complaint was registered for the occurrence dated 02.08.2017 at about 23.30 hours. In the occurrence, 1st and 2nd petitioners are said to have pulled down the hair of the wife of the de facto complainant and 3rd to 5th petitioners are said to have attacked with stick and stone and the 3rd, 4th, 5th and 8th petitioners are said to have threw the stick and stone on the de facto complainant and 6th and 7th petitioners are said to have threatened with dire consequences and abused with filthy language about de facto complainant.



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

4.The learned counsel for the intervenor submitted that while de facto complainant and his wife taking treatment in the hospital, the accused said to have threatened them and therefore, they left the Government Hospital and admitted in the private hospital for taking treatment.

5.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 9 accused in this case and the petitioners herein are arrayed as A2 to A9 respectively. He further submitted that the injured were admitted in the hospital but they have absconded from the Government Hospital, Devakottai on 10.08.2017 and they have taking further treatment in the private hospital and investigation is still pending.

6.Considering the facts and circumstances of the case and also taking note of the fact that the injured were not taking continuous treatment in the GH and they have taking continuous treatment and there is a counter case between the accused and the de facto complainant on 02.08.2017 for the occurrence dated 02.08.2017, 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, Devakottai 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 stay at Madurai and appear before the learned Judicial Magistrate No.II Madurai daily at 10.30 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/-

21/08/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.

2 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

5 THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.P.KANNADASAN Advocate SR.No.29059

+1. CC to M/S.S.MUTHUKUMAR Advocate SR.No.29094

ORDER

IN

CRL OP(MD) No.10605 of 2017

Date :21/08/2017

MKV-PN-SAR 20/05.09.2017/3P-9C