



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

Tuesday, the Twenty Ninth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11107 of 2017

1 GOPAL

2 SEENIPANDI

... PETITIONERS / ACCUSED 10 and 11

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KAYATHARU POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.299/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.DURAIRAJ Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

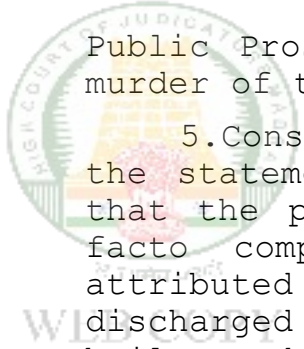
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 341, 323, 302, 506(ii) of IPC and Section 4 of TNPWH Act in Crime No.299 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that son of the de facto complainant was murdered by the other accused and the petitioners herein are said to have attacked the de facto complainant in the burial ground and caused injury.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that there is no overt act attributed against the petitioner and they were simply standing in the burial ground at the time of occurrence. He also submitted that petitioners are no way connected in the said occurrence and due to previous enmity, the de facto complainant simply added the petitioners' name as accused.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 11 accused in this case and the petitioners herein are arrayed as A10 and A11 respectively. He further submitted that the injured has been discharged from the hospital on 12.08.2017 and investigation is pending. It is admitted by the learned Additional



Public Prosecutor that the petitioners did not participate in the murder of the de facto complainant's son.

5. Considering the facts and circumstances of the case and also the statement of the learned Additional Public Prosecutor stating that the petitioners did not participate in the murder of the de facto complainant's son and there is no specific overt act attributed against the petitioners and 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 No.II, Kovilpatti, Tuticorin 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. 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/-
29/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI, TUTICORIN DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KAYATHARU POLICE STATION, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.DURAIRAJ Advocate SR.No.29442

ORDER IN
CRL OP(MD) No.11107 of 2017
Date : 29/08/2017