



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

Wednesday, the Thirtieth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11294 of 2017

MUTHUKUMAR

... PETITIONER / 6th ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.
CRIME NO.231 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

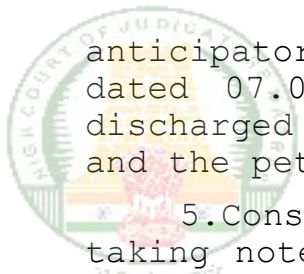
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 324, 307 & 506 (ii) of IPC in Crime No.231 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there was a group clash between 2 groups in respect of celebrating a temple festival and the all accused are said to have attacked with stick and aruval and caused injuries to two persons. The specific overt act attributed against the petitioners is that he is said to have attacked the de facto complainant with aruval on the left head and left shoulder and thereby caused injuries.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. He further submitted that the petitioner did not commit any offence as alleged by the respondent Police and the de facto complainant alone developed quarrel against the petitioner and his relatives. He also submitted that no such occurrence was taken place as alleged by the respondent Police and in order to incriminate the petitioner, the false complaint was lodged against him.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 15 named accused and petitioner is arrayed as A6 and A1 to A3 were granted anticipatory bail as per order in CrI.O.P.(MD)No.10745 of 2017 dated 17.08.2017 and A4, A5, A7 to A13 & A15 also were granted



anticipatory bail by this Court in Crl.O.P.(MD)No.10269 of 2017 dated 07.08.2017. He further submitted that injured have been discharged from the hospital and the investigation is still pending and the petitioner is having 107 proceedings.

5.Considering the facts and circumstances of the case and also taking note of the fact that the injured have been discharged from the hospital and the co-accused were granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Nanguneri on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
30/08/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.29713

ORDER IN
CRL OP(MD) No.11294 of 2017
Date :30/08/2017