



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

Thursday, the Thirty First day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11377, 11382 AND of 2017

R.THANGAM	... PETITIONER/ ACCUSED-A1
	IN CRL OP(MD)NO.11377/2017
M.SAKTHIVEL	...PETITIONER/ACCUSED NO.2
	IN CRL OP(MD)NO.11382/2017
G.RAVI	...PETITIONER/ACCUSED RANK NOT KNOWN
	IN CRL OP(MD)NO.11443/2017

Vs

THE STATE REP.THROUGH
THE INSPECTOR OF POLICE
APPAN THIRUPATHI POLICE STATION,
MADURAI DISTRICT,
CRIME NO. 205/2017

... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONS

For Petitioners : M/S.S.CHELLAPANDIAN Advocate
IN ALL THE PETITIONS

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR
IN ALL THE PETITIONS

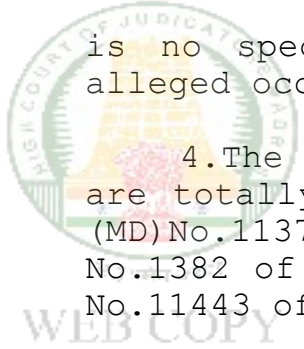
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / Accused A1, A2 & A3, who were arrested at the hands of respondent police for alleged punishable offences under Sections **(*) 294(b), 341, 324 and 506(ii) of IPC., in Crime No. 205 of 2017**, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that all the accused are said to have attacked with the stick on the defacto complainant and others and three persons were injured.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.205 of 2017 on the file of the respondent Police, on the basis of the complaint given by the first accused and the same is pending before the respondent Police. There



is no specific overt act against the petitioners herein in the alleged occurrence.

4.The learned Additional Public Prosecutor submitted that there are totally three accused in this case. The petitioner in Cr.O.P. (MD)No.11377 is arrayed as A1, the petitioner in CrI.O.P.(MD) No.1382 of 2017 is arrayed as A2 and the petitioner in CrI.O.P.(MD) No.11443 of 2017 is arrayed as A3.

5.Considering the facts and circumstances of the case and considering the fact that the injured were discharged from the hospital and there is a case in counter in Crime No.204 of 2017 lodged by the first accused and the same is pending, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i)the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.5, Madurai;

(ii)the petitioners are directed to appear before the respondent police daily at 10.30 a.m. for a period of three weeks, and thereafter, as and when required.

(iii)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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/-
31/08/2017

**(*)AMENDED AS PER ORDER OF THIS
HON'BLE COURT MADE IN CRL MP(MD)NO.7975,
7977 & 7976/2017 IN CRL OP(MD)NO.11443, 11382
AND 11443/2017 DATED 31.08.2017
BY AMBAJ**

/ TRUE COPY /

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



TA/DAS

TO

1 THE JUDICIAL MAGISTRATE NO.5, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE

APPAN THIRUPATHI POLICE STATION, MADURAI DT.

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

+1. CC to M/S.S.CHELLAPANDIAN Advocate SR.No.29666

GJM/RR/BS/SAR-3-11.9.17-3P-6C

ORDER

IN

CRL OP (MD) No.11377, 11382
AND 11443 of 2017

Date :31/08/2017