



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

Thursday, the Seventh day of September Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.11790 of 2017

WEB COPY

1 CHELLADURAI
2 SAMUTHIRAM
3 VELLADURAICHI

... PETITIONERS/ACCUSED NOS.2,3 & 5

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
PULIYANGUDI,
TIRUNELVELI DISTRICT.
CRIME NO.400 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.BANUPRASATH 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 :-

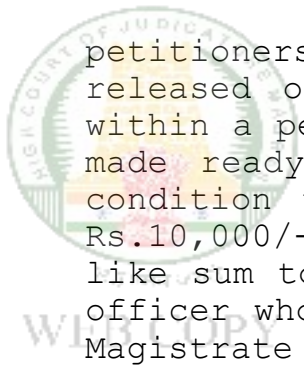
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 294 (b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act in Crime No.400 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to some family dispute, the petitioners along with other accused attacked the de facto complainant with aruval and stone and thereby caused injury and also threatened with dire consequences.

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

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 5 named accused and the petitioners are arrayed as A2, A3 and A5 in this case and A1 and A4 are still absconding. He further submitted that A1 has attacked on the left hand of one Alangarapandi, who is one of the eye witness of the occurrence and A3 has attacked the said Alangarapandi with stone, A5 kicked on stomach of one Vasanthi, who is also one of the eye witness of the occurrence. He further submitted that injured persons were discharged from the hospital and investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/> 5.Considering the facts and circumstances of the case and also taking note of the fact that injured were 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, Sivagiri, 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. for a period of 3 weeks and thereafter, as and when required.

[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/-
07/09/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.P.BANUPRASATH Advocate SR.No.30292
NB
CSL/PM-PN/SAR-III/11.09.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.11790 of 2017
Date : 07/09/2017