



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

Tuesday, the Nineteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12045 of 2017

1 MAREESWARAN
2 RAJIV GANDHI
3 SELVAM
4 SENTHIL KUMAR
5 SARAVANAN

... PETITIONERS / ACCUSED NO.1 to 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR NO. 250/2017.

... RESPONDENT / COMPLAINANT

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

For Respondent : MR.A.RAMAR Additional Public Prosecutor

For Intervener : MR.A.UTHAYAKUMAR Advocate

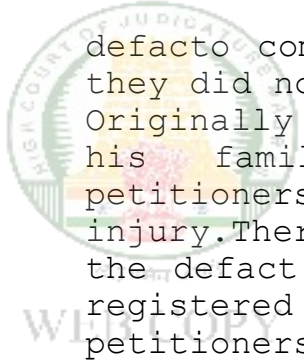
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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), 323 & 506(ii) of IPC in Crime No. 250 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to the business motive between the defacto complainant and the petitioners/accused herein, A1 and A5 are said to have attacked with wooden log on the defacto complainant's hand and A3 is said to have attacked with Iron rod on the head and neck of the son of defacto complainant. A2 and A4 having with aruval and knife respectively in their hands and threatened the defacto complainant without causing injury. The defacto complainant is not caused any injury in the occurrence, but his son alone was injured.

<https://hcservices.ecourt.gov.in/hcservices> 3.The learned counsel for the petitioners submitted that the present case is a counter case in Crime No.249 of 2017 on basis of the complaint given by the first petitioner herein against the



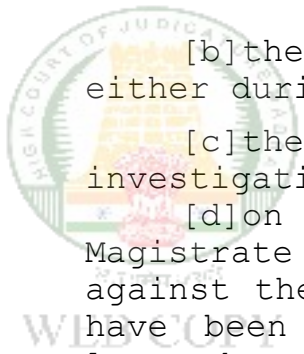
defacto complainant in this case. The petitioners are brothers and they did not commit any offence as alleged by the respondent police. Originally on the date of occurrence, the defacto complainant and his family members only developed quarrel against the petitioners/accused. Hence, the first petitioner sustained injury. Therefore, the first petitioner lodged a complaint against the defacto complainant before the respondent police and a case was registered in Crime No.249 of 2017. He further submitted that the petitioners have not committed any offence. The petitioners are wrongly implicated in this case and the petitioners are innocent.

4.The learned Additional Public Prosecutor appearing for the respondent Police ,on instruction, would submit that totally there are 5 accused in this case and the petitioners herein are arrayed as A1 to A5 respectively. A1 and A5 are said to have attacked with wooden log as general overtact on the defacto complainant's hand and A3 is said to have attacked with Iron rod on the head and neck of the son of the defacto complainant. A2 and A4 having with aruval and knife respectively in their hands and threatened the defacto complainant without causing injury. The defacto complainant is not caused any injury in the occurrence, but his son alone was injured and discharged from the hospital and investigation is still pending.

5.The learned counsel for the intervener states that because of the head injury of the son of the defacto complainant, he was admitted in the Meenakshi Mission Hospital, Madurai and discharged on 14.09.2017. The learned Additional Public Prosecutor appearing for the respondent, submitted that the nature of injuries caused to the son of the defacto complainant is simple head injury and reiterate the same contention registered by the respondent police herein.

6.Considering the facts and circumstances of the case and considering the fact that, injured were discharged from the hospital with simple head injury and this is a case in counter in Crime No.249 of 2017 on the basis of the complaint given by the first petitioner against the defacto complainant. 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, Ramanathapuram 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 three 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/-

19/09/2017

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

TO

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.31000

ORDER

IN

CRL OP(MD) No.12045 of 2017

Date :19/09/2017

MKV-PM-PN-SAR 4/19.09.2017/3P-6C