



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

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12481 of 2017

1 SUDALAIYANDI
2 MAHESH @ MAHINDRAN
3 HARI @ ARAVINDKUMAR

... PETITIONERS / A1,A2,A5

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
MANUR POLICE STATION, MANUR,
TIRUNELVELI DISTRICT
CR.NO.457/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SANKAR PRAKASH Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor

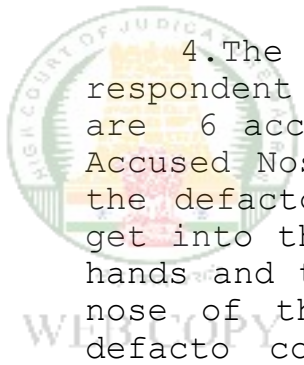
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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, 341, 294(b), 324, 307, 506(ii), 109 and 120B of IPC in Crime No. 457 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is getting into the bus for travelling but the Accused No.2 herein is said to have pulled the hands of the defacto complainant preventing him to get into the bus and the Accused No.1 is said to have attacked with stick on the nose of the defacto complainant and Accused No.3 herein is said to have made threatened the defacto complainant by showing aruval.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged in the prosecution. The petitioners and defacto complainant between previous enmities for the past several years, that vengeance, the defacto complainant given a false complaint before the respondent police. He further submitted that the defacto complainant discharged from the hospital.



4.The learned Additional Public Prosecutor appearing for the respondent Police ,on instruction, would submit that totally there are 6 accused in this case. The petitioners herein are arrayed as Accused Nos.1,2 and 5 respectively. He further submitted that when the defacto complainant wanted to travel in a bus and he tried to get into the bus, that was prevented by the accused and pulling his hands and threatened him with aruval. A1 attacked with stick on the nose of the defacto complainant and A2 pulled the hands of the defacto complainant prevented him to get into the bus and A5 threatened the defacto complainant with aruval. Injured discharged from the hospital. Investigation is still pending.

6.Considering the facts and circumstances of the case and also considering the fact that, injured was 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.V, Tirunelveli 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/-
22/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,

<https://hcservices.ecourts.gov.in/hcservices/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

3 THE SUB INSPECTOR OF POLICE
MANUR POLICE STATION, MANUR,
TIRUNELVELI DISTRICT

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

+1. CC to Mr.C.SANKAR PRAKASH Advocate SR.No.31501

JAM/28.09.17/PM-PN/SAR 2/ 3P-6C

ORDER

IN

CRL OP(MD) No.12481 of 2017

Date :22/09/2017