



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

Thursday, the Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13124 and 13196 of 2017

1 IYAPPAN
2 MARUTHUPANDI

... PETITIONERS/ ACCUSED A1 and A4
IN CRL OP(MD)NO.13124/2017

1 SAMYNATHAN
2 SIVA SUBBU

...PETITIONERS/ACCUSED A1 AND A3
IN CRL OP(MD)NO.13196/2017

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
TUTICORIN DISTRICT

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD)NO.13124/2017

THE STATE REP.BY
THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
TUTICORIN DISTRICT
CRIME NO.320/2017

...RESPONDENT
IN CRL OP(MD)NO.13196/2017

For Petitioners : MR.THIRUNAVUKARASU, Advocae for
M/S.W.PAMELIN Advocate IN CRL OP(MD)NO.13124/2017
: MR.THIRUNAVUKARASU, Advocae for
M/S.P.KARTHICK Advocate IN CRL OP(MD)NO.13196/2017

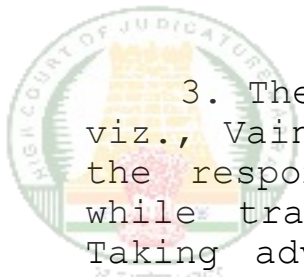
For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)
in both the petitions

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

ORDER : The Court Made the following order :-

The Accused A2 and A3 were filed Crl.O.P.No.13196 of 2017
and the accused A1 and A4 were filed Crl.O.P.No.13124 of 2017
for anticipatory bail in Crime No.320 of 2017 on the file of
the respondent police for the offence under sections 147, 294
(b), 307, 323, 324, 506(ii) of IPC.

2. The case of the prosecution is that due to the election
motive, the accused were instigated to attack the defacto
complainant.



3. The petitioners also stated that the defacto complainant viz., Vainavaperumal alleged to have lodged a complaint before the respondent police as the defacto complainant fell down while travelling in a motor cycle and sustained injuries. Taking advantage of those injuries sustained by the defacto complainant in the accident, he foisted this false complaint to rig vengeance against the petitioners and to prevent the A3 viz., Siva Subbu from contesting the election.

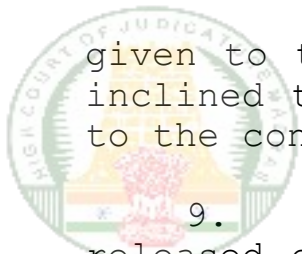
4. The petitioners also stated that in this complaint, no one was injured and there is no specific overtact against these petitioners except the allegations that they attacked the defacto complainant. But they were not given any specific overtact against these petitioners. Therefore, they filed two anticipatory bail petitions for grant of anticipatory bail for these petitioners.

5. I heard Mr.M.Thirunavukarasu, learned counsel representing for Mr.W.Pamelu (Crl.O.P.No.13324/17) and Mr.P.Karthick (Crl.O.P.No.13196/17) for the petitioners as well as Mr.K.Anbarasu, learned Government Advocate (Crl.side) for the respondent.

6. It is the case of the petitioners that only due to the personal vengeance and also against the election motive, the defacto complainant viz., Vainavaperumal has lodged a false complaint alleging that the petitioners attacked the defacto complainant. But it is the case of the petitioners, the said defacto complainant viz., Vainavaperumal was sustained injuries due to fell down while he was travelling in the motor cycle. Due to sustaining injuries, he has given a false complaint against these petitioners and also with an aim to prevent A3 from contesting the election.

7. Per contra, Mr.K.Anbarasu, learned Government Advocate (Crl.side) appearing for the respondent submitted that all the accused were joined together and attacked the defacto complainant with a wooden log with an aim to kill the defacto complainant. Due to the said impact, the defacto complainant viz., Mr.Vainavaperumal was sustained severe injuries and later on, he was admitted in the hospital. After taking treatment, now the defacto complainant discharged from the hospital. But the Government Advocate has strongly opposed for granting anticipatory bail to these petitioners.

8. Considering the nature of the offence and the occurrence alleged to have been taken place apart from that the complainant was discharged from the hospital, since he was sustained only simple injuries and proper treatment was also



given to the defacto complainant viz., Mr.Vainavaperumal, I am inclined to grant anticipatory bail to the petitioners subject to the conditions:

9. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Sathankulam, Tuticorin District, subject to the following conditions:

(i)the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

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

(iv)the petitioner 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/-
05/10/2017

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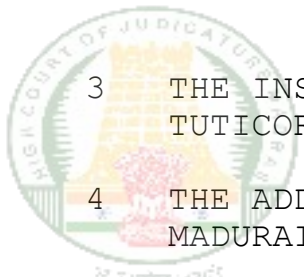
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

UB
TO

1 THE JUDICIAL MAGISTRATE, SATHANKULAM, TUTICORIN DISTRICT

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT



3 THE INSPECTOR OF POLICE, SATHANKULAM POLICE STATION,
TUTICORIN DISTRICT

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

+1. CC to M/S.W.PAMELIN Advocate SR.No.81320

+2 cc to MR.P.KARTHICK, Advocate in SR.No. 81840,91319

GJM/CM/MSA/SAR-2-10.10.17-4P-8C

ORDER

IN

CRL OP (MD) No.13124 &

13196 of 2017

Date :05/10/2017