



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

Friday, the Sixth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13505 of 2017

1 MAHESH KUMAR
2 MARISELVAM
3 SELVA KUMAR
4 MARI DURAI
5 MARI SELVAM

... PETITIONERS / ACCUSED
NOS.3,4,5,7,8

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 430/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.J.KARTHICK Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

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), 307, 323, 324, 342 and 506(ii) of IPC in Crime No.430 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 24.09.2017 at about 11.30 a.m., the petitioners (Accused Nos.4,5,7 & 8) along with A1 abused the de facto complainant with filthy language in front of the A1's house and A1 has dragged the de complainant inside his house and assaulted him with a knife and caused severe injuries. Thereby, the de facto complainant admitted in the hospital and lodged a complaint against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that petitioners did not commit any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that the injured has been discharged from the hospital and the investigation is still pending.

5.Having regard to the nature of allegation levelled against the petitioners and considering the submissions made by the learned Government Advocate (Crl.side), 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.25,000/- (rupees twenty five 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 two weeks and thereafter as and when required for interrogation.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

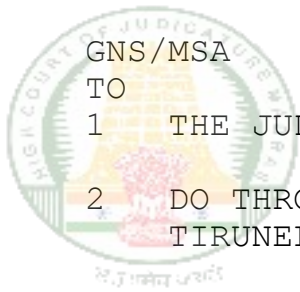
[d]the petitioner shall not abscond either during investigation or trial.

(e) the petitioners shall not commit any offence while on bail;

[f]on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
06/10/2017

/ TRUE COPY /



GNS/MSA

TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE, PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.32246

GJM/RR/BS/SAR-2-11.10.17-3P-6C

ORDER

IN

CRL OP(MD) No.13505 of 2017

Date :06/10/2017