



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.13538 of 2017

1 KAMALARASAN
2 MAHENDRAN

... PETITIONERS/ ACCUSED NO.1
& RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TOWN POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT,
CR.NO.224/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.SUSI KUMAR Advocate

For Respondent : MR.K.ANBARASAN Govt. 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 294 (b), 323, 324 and 506(ii) of IPC in Crime No.224 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners assaulted the de facto complainant with regard to run shrimp farm at Vadakarai, Rameswaram. Due to the assault, the de facto complainant sustained injury and admitted in the hospital.

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 the complaint made against the petitioners in order to wreck vengeance due to the dispute with regard to shrimp plant. He further submitted that the 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



de facto complainant has taken treatment as out patient and 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, Rameswaram 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 petitioners shall not abscond either during investigation or trial.

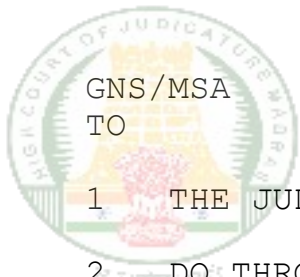
(e) the petitioners shall not commit any offence while on bail;

[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 /

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



GNS/MSA
TO

1 THE JUDICIAL MAGISTRATE, RAMESWARAM

2 DO THROGUH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
TOWN POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.32221

GJM/CM/MSA/SAR-2-11.10.2017-3P-6C

ORDER

IN

CRL OP (MD) No.13538 of 2017

Date :06/10/2017