



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

Wednesday, the Fifteenth day of February Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP (MD) No.1379 of 2017

1 VEERA.SUBBIAH
2 DURAISINGAM

... PETITIONERS/ ACCUSED NOS. 4 & 1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ADIVARAM POLICE STATION, PALANI
(CRIME NO. 10 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.ANANDKUMAR Advocate

For Respondent :MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

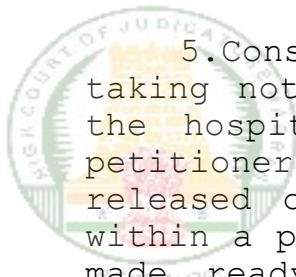
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 447, 324, 307, 506(ii) IPC and Section 3(1) and 4 of TNPPDL Act in Crime No.10 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant is working in Sadhu Dharmananda Saraswathi Swamigal Madam and due to some civil dispute, the petitioners along with other accused trespassed into the said Madam and attacked the de facto complainant with Aruval and sticks.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are the office bearers of one Palani Shanmuga Seva Sangam and the said Sangam is having internal body known as Palani Shanmuga Seva Nattar Arakattalai, which is having properties in Survey No.84 at Palani Town and there is a dispute in respect of the said property and a civil proceeding is pending. He further submitted that the petitioners have not at all involved in the crime as alleged by the prosecution and as a counter blast to the pending civil proceedings, the present complaint is lodged against the petitioners.

4.The learned Government Advocate (Crl.side) submitted that totally there are 6 named accused and 100 others and the 2nd petitioner said to have attacked with wooden log and caused injuries to three persons and there is no specific overt act attributed against the 1st petitioner. He also submitted that injured persons were discharged from the hospital and investigation is pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that injured persons were 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, Palani, 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 weekly once ie., every Sunday 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/-

15/02/2017

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

TO

- 1.THE JUDICIAL MAGISTRATTE, PALANI.
- 2.DO-THROUGH CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.
- 3.THE INSPECTOR OF POLICE
ADIVARAM POLICE STATION, PALANI
- 4.ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.ANANDKUMAR Advocate SR.No.8531

ORDER

IN

CRL OP(MD) No.1379 of 2017

Date :15/02/2017

AAM/RSK.SAR3/20.2.2017/2P.6C

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