



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

Monday, the Twentieth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14210 of 2017

1 RAJEEV GANDHI

2 LENAN

... PETITIONERS/ACCUSED 1 AND 3

Vs

THE SUB INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.528/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.BALASUBRAMANIAN Advocate

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

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

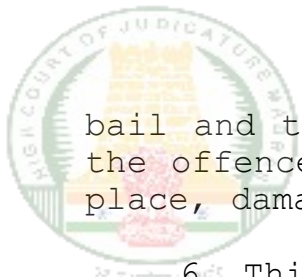
ORDER : The Court Made the following order :-

The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 323, 324, 307 and 506(ii) of I.P.C and Section 3 (1) of TNPPDL Act, in Crime No.528 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous dispute, on 18.10.2017, the petitioners/ A1 and A3 damaged one Rajagopal's shop, which was questioned by the de-facto complainant, all the accused persons were drunken mood, damaged the shop and attacked the defacto complainant on the head, thereby the defacto complainant sustained grievous injuries and he was admitted in the hospital.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there is no previous motive and the petitioners have been falsely implicated in the above said crime numbers.

3.The learned Government Advocate (Crl.side) appearing for the State submitted that accused no.A2 already arrested and released on



bail and the injured has been discharged from the hospital. Since the offence committed by A1, which was not acceptable in the public place, damaged the stores and created threat in the general public.

6. This Court is not inclined to grant anticipatory bail to the 1st petitioner / A1. Hence this petition is dismissed as against the 1st petitioner / A1.

7. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the 2nd petitioner/A3, since there is no specific allegation against him. Accordingly, the 2nd petitioner/A3 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, Dindigul District, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(ii) the 2nd petitioner/A3 shall report before the respondent police, daily at 10.00 a.m., for a period of two weeks;

(iii) the 2nd petitioner/A3 shall not tamper with evidence or witness either during investigation or trial;

(iv) the 2nd petitioner/A3 shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the 2nd petitioner/A3 shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
20/11/2017

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



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TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE SUB INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.P.BALASUBRAMANIAN Advocate SR.No.34733

ORDER
IN
CRL OP(MD) No.14210 of 2017
Date :20/11/2017

SMA/PM-PN/SAR-1/27.11.2017:3P/6c