



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

Thursday, the Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15286 of 2017

1 POOVARASAN
2 KAVASKAR
3 MANICKAM

... PETITIONER / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO.46 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.S.SATHEESHKUMAR Advocate

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

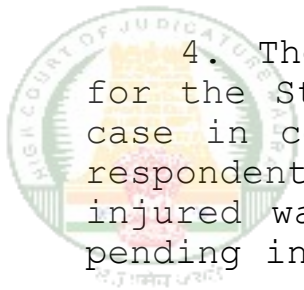
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 323 and 506(ii) IPC., in Crime No.46 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is a dispute regarding the purchase of property in between the petitioners and the defacto complainant. When the petitioners asked for return of money which was borrowed by the defacto complainant's family, the defacto complainant and his brother after a wordy quarrel, attacked these petitioners with aruval and wooden log. Due to that petitioners 1 and 3 sustained injuries.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and there is a case in counter in C.S.R.No.90 of 2017 is pending before the respondent police against the defacto complainant and the injured was discharged from the hospital in this case.



4. The learned Government Advocate (Crl. Side) appearing for the State, on instructions, would submit that there is a case in counter in C.S.R.No.90 of 2017 is pending before the respondent police against the defacto complainant and the injured was discharged from the hospital and investigating is pending in this case.

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5. Considering the facts and circumstances of the case and also considering the fact that the injured discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppathur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties 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:

(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 petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
09/11/2017

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



msa
TO

1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
S.S.KOTTAI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.SATHEESHKUMAR Advocate SR.No.34169

GJM/SM/SAR-I-10.11.2017-3P-6C

ORDER
IN
CRL OP(MD) No.15286 of 2017
Date :09/11/2017