



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.15289 of 2017

1 PARAMASIVAN,
2 VENKADESH,
3 SHANMUGAIAH,
4 MUTHUKUTTY,
5 ANANTH,

... PETITIONERS / ACCUSED NO.4,5,
6,7, & 13

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.341 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK 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, 353, 294(b), 506(ii) & 307 I.P.C., in Crime No.341 of 2017, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Sub-Inspector of Police, was conducting usual checkup on 21.10.2017, he found that the accused persons assembled in order to commit an offence. After noticing them, the defacto complainant tried to arrest the accused persons, but they abused the defacto complainant by using filthy languages and they attacked the defacto complainant by using deadly weapons and caused severe life threat to the defacto complainant with dire consequences. Hence, the defacto complainant registered a case against these accused persons.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they did not commit any offence as alleged by the prosecution. However, he admitted that there are four



previous cases are pending against accused nos.4 and 5 and two previous cases are pending against accused no.6 before the respondent police and he categorically denied that there is no previous case pending against accused nos. 7 and 13.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit there are four previous cases are pending against accused nos.4 and 5 and two previous cases are pending against accused no.6 before the respondent police 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 counsel for the petitioners as well as the learned Government Advocate (Crl.side) and in view of the previous criminal cases are pending against petitioner nos.1 and 2/ accused 4 and 5, I am not inclined to grant anticipatory bail to the petitioner nos.1 and 2, who were arrayed as accused nos.4 and 5 herein.

6.However I am inclined to grant anticipatory bail to the petitioner nos.3, 4 and 5, who were arrayed as accused nos.6,7 and 13 herein. Accordingly, the petitioner nos.3,4 and 5/ accused nos.6,7 and 13 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, Srivaikundam 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 petitioner nos.3,4 and 5/ accused nos.6,7 and 13 shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioner nos.3,4 and 5/ accused nos.6,7 and 13 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner nos.3,4 and 5/ accused nos.6,7 and 13 shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

[d] the petitioner nos.3,4 and 5/ accused nos.6,7 and 13 shall not abscond either during investigation or trial.



(e) the petitioner nos.3,4 and 5/ accused nos.6,7 and 13 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 and the bail granted stands cancelled automatically.

sd/-

09/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM.
 - 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH Court,MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.34250

ORDER
IN
CRL OP(MD) No.15289 of 2017
Date :09/11/2017

MV:CM:SAR3:14/11/2017/3P/6C