



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

Friday, the Tenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.1534 of 2017

1 THAMARAI KANNAN
2 KULANTHAISAMY

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

The State rep.by
THE INSPECTOR OF POLICE

SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT,
IN CRIME NO. 63 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.Mohan Advocate

For Respondent : Mr.P.Kandasamy, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

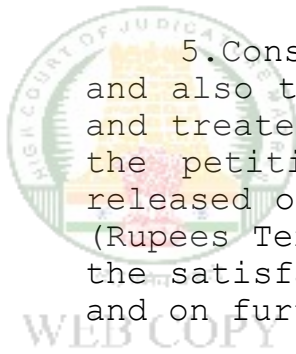
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 307 of IPC in Crime No.63 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent/State.

3.The learned counsel for the petitioner states that the petitioners have never committed any offence as alleged by the complainant and a false case has been foisted by the respondent police with ulterior motive.

4.The learned Government Advocate(Crl. Side) appearing for the respondents states that there are totally five accused in this case. The occurrence took place on 28.01.2017. The petitioners herein are A1 and A2 respectively and the remaining accused are still absconding and due to enmity in playing cricket match, A1 has attacked the defacto complainant with sword on his neck, but the injury caused on his right hand and A2 has attacked with aruval on the neck of the defacto complainant, but the injury was caused on his right hand and injured was discharged from the hospital on 03.02.2017 and thereafter, the injured was treated as out patient.



5.Considering the above facts and circumstances of the case, and also the fact that the injured was discharged from the hospital and treated as out patient, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate No.I, Sivagangai and on further condition that:

[a] the petitioner shall appear before the learned Judicial Magistrate No.I, Sivagangai daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 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].

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-
10/02/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION, SIVAGANGAI DISTRICT

5 ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.A.MOHAN Advocate SR.No.7470

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ORDER
IN
CRL OP(MD) No.1534 of 2017
Date :10/02/2017