



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

Wednesday, the Twenty Second day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.15894 of 2017

SELVAMANI

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
ASTINPATTI POLICE STATION,
MADURAI DISTRICT,
IN CR.NO.385/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.GOWRISHANKAR Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is first accused, in Crime No.385 of 2017 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC r/w Section 3(1) of TNPPDL Act and Section 302 IPC and hence, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent/State.

3.The case of the prosecution is that on 13.08.2017 at about 8.00 p.m., due to previous enmity, the accused No.1 quarrelled with his brother and while the defacto complainant has questioned the same, he was threatened by the accused No.1. After that, the accused No.1 came with A2 to A14 armed with sticks, iron rod and stones and destroyed his paternal uncle's roof and A1 to A3 attacked the defacto complainant and A1 kicked his brother and all the accused attacked some persons. Due to the said attack made by A1 and A2, one Alagan died and hence, the case has been registered.

4.The learned counsel for the petitioners would submit that this Court has granted anticipatory bail to A3 to A15 in Crl.O.P. (MD) No.11514 of 2017 dated 04.09.2017 and this Court has granted anticipatory bail to the second accused in Crl.O.P.(MD) No.13685 of 2017 dated 12.10.2017. The second application filed by the petitioner was dismissed as early as on 12.10.2017.



5. The learned Additional Public Prosecutor appearing for the State would strongly oppose for granting anticipatory bail the petitioner/A1.

6. Considering the facts and circumstances of the case and considering the fact that the respondent police has not taken any steps to arrest the petitioner till date in order to facilitate the investigation, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thirumangalam, Madurai District, and on his 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily twice at 10.30 a.m and 5.30 p.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
22/11/2017

/ TRUE COPY /

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

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TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ASTINPATTI POLICE STATION, MADURAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.GOWRISHANKAR Advocate SR.No.34945

SH:CM/VR/SAR-4-29.11.2017-2P-6C

ORDER
IN
CRL OP(MD) No.15894 of 2017
Date :22/11/2017