



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

Friday, the Twelfth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) No.5742 of 2017

1 RAJA
2 ASHOKKUMAR ... PETITIONERS / ACCUSED 1 & 2

Vs

STATE, REP.BY
INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT
(CR.NO.90 OF 2017) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 352, 420 and 506(ii) of IPC, in Crime No.90 of 2017, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to business rivalry, the petitioners waylaid the defacto complainant.

3.The learned counsel for the petitioners submitted that the occurrence took place on 10.02.2017 and the complaint lodged only on 21.04.2017 and the case was registered on the same day and the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and pray for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (CrI.Side) that there is a business transaction between the petitioners and the defacto complainant and in view of the business involve, this occurrence had taken place and no one sustained injury on the alleged occurrence.



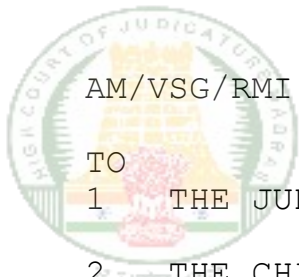
5. Considering the business transaction pending between the petitioners and the defacto complainant and also considering the fact that no one sustained injury in the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are 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 No.II, Thanjavur, on condition that each of the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties out of which, one shall be a blood relative, 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:

- (i) the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) the petitioners are directed to co-operate with the enquiry.
- (v) 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 as if the conditions have been imposed and the petitioners 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
12/05/2017

/ TRUE COPY /



AM/VSG/RMI

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR

2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT

3 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION, THANJAVUR DISTRICT.

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

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.21998

GJM/BS/SAR-4-15.5.17-3P-6C

ORDER

IN

CRL OP(MD) No.5742 of 2017

Date :12/05/2017