



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

Tuesday, the Seventh day of February Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP(MD) No.695 of 2017

1 MUTHUPANDI
2 KALEESWARAN
3 MALAIRAJ
4 MURUGAN
5 RAMACHANDRAN
6 SAKTHIVEL
7 RAJAIRULAPPAN

... PETITIONERS / ACCUSED NO.1,3 to 7 & 9

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION,
SIVAGANGAI.

(IN CR.NO.3/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.T.SARAVANA PANDIYAN Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

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

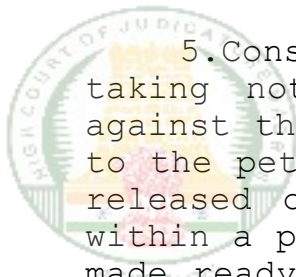
ORDER : The Court Made the following order :-

The Petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147,148,294(b),336,506(ii) IPC and Section 4 of TNPPDL Act in Crime No.3 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to some dispute, the Petitioners along with other accused abused the de facto complainant in filthy language, threatened with dire consequences and also damaged the roof of the de facto complainant's house.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that it is a case of case in counter and counter case is registered in Crime No.2 of 2017 based on the complaint of A8. He also submitted that already Rs.2.500/-was deposited by A2 and A8.

4.The learned Government Advocate (Crl.side) submitted that totally there are 9 accused and the petitioners damaged the house of the de facto complainant worth of Rs.2,500/- and investigation is pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that no specific overt act attributed against these petitioners, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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, Manamadurai, on condition that the petitioners shall execute 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 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[c]the petitioners 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 petitioners in accordance with alw 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)**.

sd/-

07/02/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION, SIVAGANGAI.

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

+1. CC to MR.MOHAMED YUSUF Advocate SR.No.6952

ORDER

IN

CRL OP(MD) No.695 of 2017

Date :07/02/2017