



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8549 of 2017

1 P.MANIKANDAN
2 A.MUTHUPANDI
3 R.SONAI MUTHU

... PETITIONERS/ACCUSED NO.2 TO 4

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.103/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.CHANDRASEKARAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

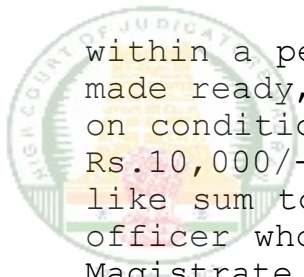
The petitioners / A2 to A4, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 341, 353, 324, 294(b) and 506(ii) IPC in Crime No.103 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally quarried the river sand and when the Sub Inspector of Police intercepted them, they have attacked with stone and also abused in filthy language.

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 due to previous enmity, the de facto complainant attacked the petitioners and that a false case has been foisted against the petitioners.

4. The learned Additional Public Prosecutor would submit on instruction that totally there are 4 accused and the petitioners are arrayed as A2 to A4 and the first accused is absconding. He also submitted that injured person was discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that injured person was discharged from the hospital, 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 No.II, Sivagangai 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:

WEB COPY [a]the petitioners 1 and 2 shall report before the Court concerned daily at 10.30 a.m. until further orders and the 3rd petitioner shall report before the respondent Police weekly once ie., on every Sunday at 10.30 am 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 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)** .
sd/-

07/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE SUB INSPECTOR OF POLICE
POOVANTHI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.CHANDRASEKARAN Advocate SR.No.26048

NBJ

CSL/CM-MSA/SAR-I/18.07.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.8549 of 2017

Date : 07/07/2017