



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

Wednesday, the First day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.943 of 2017

1 RAJA
2 MURALI
3 MUNIASAMY
4 MURUGADAS
5 SENTHIL
6 JOTHIBASU
7 MURUGAN
8 BALA

... PETITIONERS/ACCUSED 1 TO 6, 8 TO 9

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.50 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.M.HASSANUL BAZARI 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 alleged offences punishable under Sections 147, 148, 341, 323, 324 and 506(ii) of the Indian Penal Code, in Crime No.50 of 2017 on the file of the respondent police, seek anticipatory bail.

2. Counsel for the petitioners is present. The learned Government Advocate (Criminal side) appearing for the State is also present. Heard the submissions made on either side.

3. The learned counsel for the petitioners states that the petitioners are only the local residents and they do not have enmity with the *defacto* complainant and a false complaint was lodged against the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent states that there are totally nine accused in this case. The petitioners herein are Accused Nos.1 to 6, 8 and 9. Due to previous enmity, the fifth petitioner attacked with aruval and the remaining accused attacked with stick and caused simple



injuries to the *defacto* complainant. It is also stated that the injured was discharged from the hospital.

5. Considering the above facts and circumstances of the case and also the fact that the injured was discharged from the hospital, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Ramanathapuram, on condition that each of 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 appear before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[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/-

01/02/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.M.HASSANUL BAZARI Advocate SR.No.

ORDER

IN

CRL OP(MD) No.943 of 2017

Date : 01/02/2017