



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

Tuesday, the Eighth day of August Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.9976 of 2017

WEB COPY

1 MUTHU
2 MOOKKAMMAL

... PETITIONERS/ACCUSED 3 & 4

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT,
CRIME NO. 778/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.BALAMURUGAN 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 :-

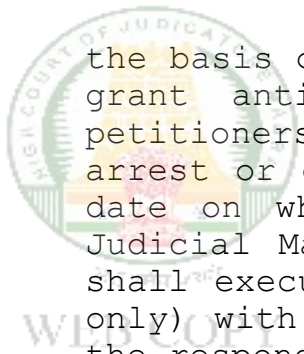
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.778 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and de facto complainant. The petitioners are said to have attacked with stick on the back of the de facto complainant and his mother and caused injuries and also threatened with 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 motive the de facto complainant gave a false case against the petitioners and there was a case in counter in Crime No.779 of 2017 against the de facto complainant and complaint was given by the 1st petitioner herein.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that the totally there are 4 accused in this case and the petitioners are arrayed as A3 and A4 respectively. He further submitted that A1 was arrested and released on bail and A2 is still absconding. He also submitted that the injured were discharged from the hospital and the investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the injured were discharged from the hospital and there was a case in counter in Crime No.779 of 2017 on



the basis of complaint given by the 1st petitioner, 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 Court, Melur 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 as and when required.

[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/-

08/08/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.B.SUDHA SATHYANANTH Advocate SR.No.28317
GNS
CSL/RR-BS/SAR-I/11.08.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.9976 of 2017

Date : 08/08/2017