



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

Monday, the Ninth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.24126 of 2016

1 JAWAHAR
2 EBIN
3 MARTIN
4 KANI
5 JENIFER
6 DURAI
7 KANIRAJ
8 SOLOMON

... PETITIONERS/ACCUSED NO.1 TO 8

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
VIJAYA NARAYANAN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 189 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ANAND 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, 294 (b), 323 and 506(ii) IPC in Crime No.189 of 2016 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 25.01.2016 while the petitioners were playing cricket, a dispute arose between the petitioners and the de facto complainant and thereby they attacked each other and sustained injuries.

3.The learned counsel for the petitioners submitted that it is a case of case in counter and the counter case is registered in Crime No.188 of 2016 based on the complaint given by the 1st petitioner herein. He submitted that totally there are 8 accused in this case and the petitioners herein are A1 to A8. He further submitted that the injured person has been discharged from the hospital, however, the 5th petitioner is taking treatment as



inpatient. He also submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that injured person was discharged from the hospital. He further submitted that investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that injured person was discharged from the hospital in this case, 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, Nanguneri, Tirunelveli District, 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 1 to 4 and 6 to 8 shall report before the Palayamkottai Police Station daily at 10.30 a.m. for a period of 4 weeks and also appear before the respondent Police on summons whenever they required for interrogation. After discharging from the hospital, the 5th petitioner shall appear before the Palayamkottai Police Station daily at 10.30 am for a period of 4 weeks.

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

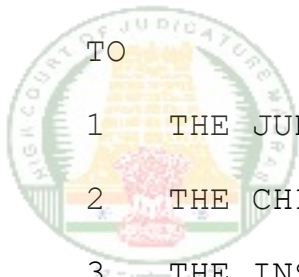
[c]the petitioners shall not abscond either during investigation or trial.

[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/-
09/01/2017

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



TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
VIJAYA NARAYANAN POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.ANAND Advocate SR.No.1697

NBJ

CSL/SKN/SAR-I/09.01.2017 : 3P/6C

ORDER

IN

CRL OP(MD) No.24126 of 2016

Date :09/01/2017