



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

Wednesday, the Fourth day of January Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) No.24131 of 2016

1 SHANMUGAM
2 BALAJI
3 BALAMURUGAN
4 SATHISHKUMAR
5 MAGARAJAN
6 RAMAMOORTHY
7 KRISHNAMOORTHY

... PETITIONERS/ACCUSED
RANK NOT KNOWN.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.587 OF 2016)

... RESPONDENT / COMPLAINANT.

For Petitioner : M/S.S.MALAIKANI 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), 448, 323, 307 and 379 (NP) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 3 of TNPDDL Act in Crime No.587 of 2016 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused attacked the de facto complainant with hands, abused in filthy language and also taken away a sum of Rs.6,000/-.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are prepared to deposit the above said amount. Injured was discharged from the Hospital.

4.The learned Government Advocate (Crl.side) submitted that the petitioners damaged the properties of the de facto complainant. He further submitted that investigation is pending.



5. Considering the facts and circumstances of the case and also taking note of the gravity of offence said to have been committed by the 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 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).

[e] the petitioners shall deposit a sum of Rs.6,000/- (rupees six thousand only) to the credit of Crime No.587 of 2016 before the concerned Judicial Magistrate.

sd/-
04/01/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI.
 - 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE, MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
- +1. CC to M/S.S.MALAIKANI Advocate SR.No.618.

ORDER
IN
CRL OP (MD) No.24131 of 2016
Date : 04/01/2017