



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

Tuesday, the Third day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5033 of 2018

1 ARUMUGAM
3 MAHARAJAN

... PETITIONER / ACCUSED No.1 ,3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MORAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT,
IN CR.NO. 38/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.INIYAVAN, Advocate

For Respondent : M/S. A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

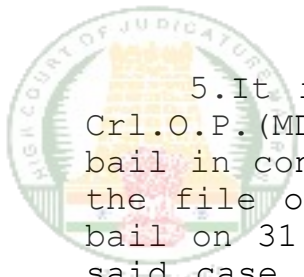
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b) 353, 506(ii) and 307 IPC in Crime No.38 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive between the petitioners and the defacto complainant, on 16.03.2018 the petitioners abused the defacto complainant using filthy language and tried to assault him with Aruval.

3.The petitioners have been shown as accused along with others. The petitioners earlier moved this Court seeking anticipatory bail. However, this Court granted the relief in favour of the other co-accused but, denied the case of the petitioners herein. Now, the second application has been moved by submitting certain relevant facts for consideration by this Court.

4.Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) for the respondent.



5.It is seen that the petitioners herein had earlier filed in Crl.O.P.(MD)No.1336 of 2018 before this Court, seeking anticipatory bail in connection with the case registered in Crime No.6 of 2018 on the file of the respondent police. This Court granted anticipatory bail on 31.01.2018. It is seen that the de-facto complainant in the said case was one Isakkiraja, Sub-Inspector of Police, Pudukkottai Police Station. Though the said Crime No.6 of 2018 was registered under Section 307 IPC, this Court granted anticipatory bail finding that the circumstances in and around the occurrence created a doubt. It is seen that the present F.I.R is also registered at the instance of the very same Isakkiraja, Sub-Inspector of Police, Pudukkottai Police Station. The occurrence took place within the patrol limits of Morapanadu Police Station. It is not known as to why the Sub-Inspector of Police, Pudukkottai police station should be the complainant in the present case. The earlier complaint lodged against the petitioners created doubt in mind of this Court. It is seen that one Petchithai, wife of the first petitioner herein lodged a written complaint against the said Idakkiraja on 17.03.2018. That is why, even though there is strong opposition from the learned Government Advocate (Criminal Side) citing the registration of previous cases against the petitioners, this Court is inclined to grant anticipatory bail.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Srivaikundam and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/04/2018

/ TRUE COPY /

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

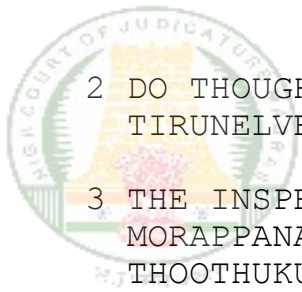
TO

1 THE JUDICIAL MAGISTRATE

<https://hcservices.ecourts.gov.in/hcservices/>

SRIVAIRUNDAM,

TIRUNELVELI DISTRICT.



2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MORAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.PRABU Advocate SR.No.5285.

ORDER

IN

CRL OP(MD) No.5033 of 2018

Date :03/04/2018

SDS/CM:VR/SAR.4/06.04.2018/3P/6C