



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1250 of 2018

1 SUBRAMANIAN
2 SIVANPANDI
3 MURUGAN
4 RAMESH

... PETITIONERS/ACCUSED No.1 to 4

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE
SRIVAICKUNDAM POLICE STATION,
TUTICORIN DISTRICT
IN CRIME NO. 18/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.R.DURAIRAJ Advocate

For Respondent : MR.A.ROBINSON, 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 A1 to A4, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 324, 307 and 506(ii) of IPC., in Crime No.18 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 20.01.2018 due to the previous enmity , the accused persons came to the occurrence place and assaulted the defacto complainant with deadly weapons and caused severe life threat to the defacto complainant with dire consequences. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant only developed quarrel against the petitioners and hence, pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submitted that investigation is still pending. According to him, the injured was discharged from the hospital.

5. The submissions made on either side are considered. It is alleged that during the time of occurrence, due to the previous enmity the petitioners herein assaulted the defacto complainant and caused injury to him. However, submissions made by the learned Government Advocate (Criminal Side) that the person, who sustained injuries at the time of occurrence, was discharged from the hospital after completing treatment, hence, there is no scope for altering the Section of law in future. Both side admitted that the petitioners are having the permanent residence.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 learned Judicial Magistrate, Srivaikundam, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the K.Pudur Police Station, K.Pudur, Madurai, daily at 10.00 a.m. until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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/-

25/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM, TUTICORIN DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
SRIVAICKUNDAM POLICE STATION, TUTICORIN DISTRICT

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

+1. CC to M/S.S.R.DURAIRAJ Advocate SR.No.1368

ORDER

IN

CRL OP (MD) No.1250 of 2018

Date :25/01/2018

SMA/CM-VR/SAR-2/31.01.2018:3P/6c