



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1017 of 2018

1 SETHURAMAN
2 MANIMARAN

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT,
IN CRIME NO. 13 OF 2018

...1st RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.MURALIKUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 324 and 506(ii) IPC, in Crime No.13 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are friends. On 16.01.2018, when they were consuming liquor, there was a wordy quarrel arose between them out of which, the petitioners have assaulted the defacto complainant using empty beer bottle and abused him in filthy language and also gave life threat to him. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that injured has been



discharged from the hospital and taking treatment as outpatient. He further submitted that the investigation is still pending.

5. The submissions made by either side are considered. According to the prosecution, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital and taking treatment as out patient. Except Section 506 (ii) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 Court, Devakottai, 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 respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(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/-
23/01/2018

/ TRUE COPY /



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

+1. CC to M/S.A.MURALIKUMAR Advocate SR.No.1407

ORDER
IN
CRL OP (MD) No.1017 of 2018
Date :23/01/2018

SMA/RR-CSL/SAR-3/29.01.2018:3P/6c