



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

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1044 of 2018

1 PRABU
2 MANI
3 SELVAM

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION,
THENI DISTRICT,
IN CRIME NO. 26/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.BABU Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 427, 324, 336 and 506(ii) I.P.C., in Crime No.26 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to the money dispute, the petitioners assaulted the defacto complainant, caused injuries and abused him using filthy language. Hence, the case has been registered against the petitioners and other accused for the above said offences.

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

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the injured has already been discharged from the hospital and further submitted that the investigation is still pending.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners and other 20 accused assaulted the defacto complainant by demanding money. Due to the assault made by the petitioners and other accused, the defacto complainant sustained simple injuries. Admittedly, the person, who sustained injury at the time of alleged occurrence was discharged from the hospital after completing treatment. Accordingly, custodial interrogation of the petitioners may not be 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, Periyakulam, 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 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 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/-
12/02/2018

/ TRUE COPY /

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



PJL
TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.N.BABU Advocate SR.No.2377

GJM/PM/PN/SAR-2-15.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.1044 of 2018

Date :12/02/2018