



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1059 of 2018

1 KATHIRVEL
2 GANESAN
3 VINOTH KUMAR
4 ARUL

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO.11/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK 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/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, 324 and 506(ii) of IPC., in Crime No.11 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that already there was a dispute between the petitioners and the defacto complainant regarding lease for running Tiffin shop. Due to the same, on 16.01.2018, a wordy altercation arose between them, due to which the petitioners abused the defacto complainant using filthy language, assaulted him by using deadly weapons, caused injuries and threatened with dire consequences. Hence, the case has been registered for the above incident.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the fourth petitioner in this petition does not array as an accused in this crime. Hence, he seeks permission of this Court to withdraw this



petition in respect of the fourth petitioner. He made an endorsement to that effect.

4. Recording the endorsement made by the learned counsel appearing for the petitioners, this **Criminal Original Petition is dismissed as withdrawn in respect of the fourth petitioner herein.**

5. The learned counsel appearing for the petitioners 1 to 3 submitted that the petitioners 1 to 3 are innocent persons and they did not commit any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that the petitioners 1 to 3 have been falsely implicated in this case. Hence, he prays for anticipatory bail.

6. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital. He further submitted that the investigation is still pending.

7. The submissions made by the learned counsel on either side are considered. According to the prosecution, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing treatment. Further, except Section 506 (ii) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation 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 1 to 3 with **stringent conditions**. Accordingly, the petitioners 1 to 3 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, Paramakudi, 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 1 to 3 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 1 to 3 shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners 1 to 3 shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 1 to 3 shall stand automatically cancelled and the learned Magistrate/Trial Court is



entitled to take appropriate action against the petitioners 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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]**.

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sd/-
29/01/2018

/ TRUE COPY /

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

PJL
TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.1495

GJM/CM/VR/SAR-I-30.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.1059 of 2018
Date :29/01/2018