



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1065 of 2018

1 SARATH
2 ANANDHAN
3 DINESH

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
IN CRIME NO. 09/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK, Advocate

For Respondent : M/S.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 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 294(b), 323, 324 and 506(ii) of IPC., in Crime No.09 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the petitioners and other accused persons tried to consume liquor near the Gym, which is run by the defacto complainant, the same was questioned by the defacto complainant. At that time, the petitioners and the other accused persons assaulted the defacto complainant by using iron rods, caused injuries and threatened him with dire consequences. Hence, the case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that they have been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the



injured has been discharged from the hospital and 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 is discharged from the hospital after completing treatment. Except the offence under Section 506(ii) of IPC, all other petition mentioned offences are bailable in nature. Hence, 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 on which the order copy is made ready, before the learned Judicial Magistrate, Paramakudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) 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/-
23/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN 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.1207

ORDER

IN

CRL OP(MD) No.1065 of 2018

Date :23/01/2018

PK/CM/SAR-1/29.01.2018 : 3P/6C