



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1248 of 2018

1 MURUGAN
2 ANGUSAMY
3 BABU
4 UDHAYAKUMAR
5 PREMKUMAR

... PETITIONERS / ACCUSED 1 TO 5

Vs

STATE, REP.BY
THE INSPECTOR OF POLICE
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.
(CR.NO.55 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.SARAVANAKUMAR 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 A5, who apprehend arrest at the hands of the respondent police for the offences under Sections 147, 294 (b), 324 and 506(ii) I.P.C., in Crime No.55 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 21.01.2018, the petitioners herein made wordy quarrel in the defacto complainant's farm and furthermore assaulted the defacto complainant, abused him with filthy language and threatened with dire consequences.

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

<https://hcservices.ecourts.gov.in/hcservices>
4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the person who sustained injury during the time of alleged occurrence has been discharged



from the hospital. According to him, investigation is not completed.

5. The submissions made by the learned counsel on either side are considered. It discloses that the offence under Sections 147, 294(b), 324 and 506(ii) I.P.C., has been registered against the petitioners. It was a case of case in counter. Except 506(ii) I.P.C., all other petition mentioned offences are bailable in nature. According to prosecution, as of now, the person, who sustained injuries has been discharged from the hospital after completing the treatment. Hence, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, for the reasons stated above, 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 Oddanchatram, 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 10.00 a.m. for a period of three weeks, 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/-
31/01/2018

/ TRUE COPY /



msa
TO

1 THE JUDICIAL MAGISTRATE, ODDANCHATRAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
ODDANCHATRAM POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.P.SARAVANAKUMAR Advocate SR.No.1633

GJM/RR/SAR-3-7.2.18-3P-6C

ORDER

IN

CRL OP (MD) No.1248 of 2018

Date :31/01/2018