



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1267 of 2018

1 KALANCHIYAM
2 MANOJ

... PETITIONERS / ACCUSED Nos.1&2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
RAMESWARAM TEMPLE POLICE STATION,
RAMANATHAPURAM DISTRICT,
IN CR.NO. 1 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.UTHAYAKUMAR Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

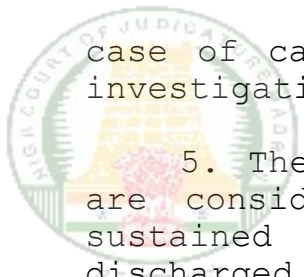
ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, 341, 506(i) and 379(NP) of IPC., in Crime No.1 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the wordy quarrel arose between the petitioners and the defacto complainant with regard to pick up the passengers, who were arrived for pilgrimage to the Temple Town of Rameswaram, they attacked each other and caused injuries. Hence, the case has been registered against the petitioners for the above incident.

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 and they are no way connected with the alleged occurrence. He further submitted that during the above said occurrence, the defacto complainant also attacked the petitioners and caused injuries for which a case has been registered in Crime No.2 of 2018, on the file of the respondent police. 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 discharged from the hospital. He further submitted that this is a



case of case and case in counter. Further, he submitted that the investigation in this case is still pending.

5. The submissions made by the learned counsel on either side are considered. According to the prosecution, the persons, who sustained injuries during the time of alleged occurrence was discharged from the hospital after completing treatment. Further, except the offence under Sections 506 (i) and 379 of IPC., all the other petition mentioned offences are bailable in nature. According to the case of prosecution, another one case was registered in Crime No.2 of 2018, in which, the second petitioner herein is the defacto complainant. This shows that this complaint has been lodged as a counter blast to the above said case. 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 stringent 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, Rameswaram, Ramanathapuram District, 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;

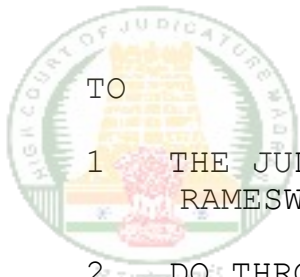
(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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/-
25/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
RAMESWARAM TEMPLE POLICE STATION,
RAMANATHAPURAM DISTRICT,

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

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.1429

JAM/31/01/2018/pm-pn/ SAR 3/ 3p-6C

ORDER

IN

CRL OP (MD) No.1267 of 2018

Date :25/01/2018