



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.1336 of 2018

1 ARUMUGAM
2 MAHARAJAN

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MORAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 6 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.R.BALAKRISHNAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

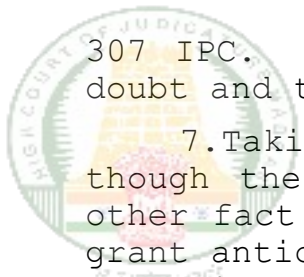
The petitioners / A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 341, 294(b), 307 & 506(ii) IPC in Crime No.6 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, a wordy quarrel arose between the petitioners and the de facto complainant. At that time, the petitioners have assaulted the de facto complainant with iron rod also abused in filthy language and also threatened the de facto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences mentioned above, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the first petitioner herein is having 15 previous cases and the second petitioner herein is having 3 previous cases. He further submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side considered. It is alleged that during the time of occurrence, the petitioners herein are try to assault the de facto complainant by using aruval. But the de facto complainant, being the informer to the Police, had not sustained any injuries. But this case was registered for the offence punishable under Section



307 IPC. So, circumstances in and around the occurrence create a doubt and that there is no overt act against these petitioners

7. Taking the above said aspects into consideration even though the petitioners are having previous cases, considering the other fact and circumstances of the case, 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, Srivaikundam, 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. until further orders.

(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

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

TO

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

+1. CC to M/S.R.BALAKRISHNAN Advocate SR.No.1649

ORDER IN

CRL OP(MD) No.1336 of 2018

Date :31/01/2018