



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.1344 of 2018

1 RAJESWARI
2 POONKODI
3 RAJKUMAR
4 THOLPANDI
5 AASAIMANI
6 RAMESH
7 PERUMAL
8 CHELLATHAI

... PETITIONERS /
ACCUSED Nos.14,15,17,18,19,20,22,23

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT ,
IN CR.NO. 535/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.MITHUNCHAKRAVARTHI Advocate

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

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

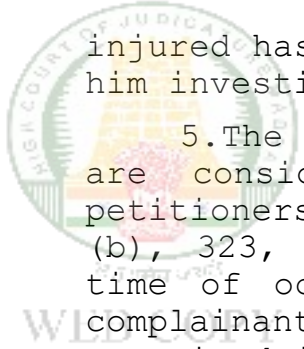
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 & 506(ii) IPC in Crime No.535 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant and the petitioners are neighbours, due to previous enmity between them, the petitioners along with other accused assaulted the de facto complainant with deadly weapons and also pelted stones on 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, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the



injured has already been discharged from the hospital. According to him investigation is still pending.

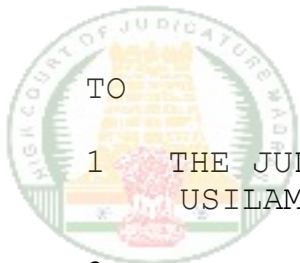
5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offence punishable under Sections 147, 148, 294 (b), 323, 324, 307 & 506(ii) IPC. It is alleged that during the time of occurrence the petitioners pelted stone on the de facto complainant and caused injuries. As of now, the person who sustained injuries was discharged from the hospital after completing the treatment. Further, the alleged offence was happened due to previous enmity. Considering the facts and circumstances of the case, custodial interrogation may not be necessary for completing the investigation.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, 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 No.II, Usilampatti, 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/-
29/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION, MADURAI DISTRICT ,

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

+1. CC to M/S.A.MITHUNCHAKRAVARTHI Advocate SR.No.1671

GNS

JAM/06/02/2018/PM-PN/ SAR 1 / 2P-6C

ORDER

IN

CRL OP(MD) No.1344 of 2018

Date :29/01/2018