



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.136 of 2018

1 G.MANIKANDAPRABHU
2 S.SRIDHAR

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
RAMESHWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO.263 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.SHENBAGARAJ Advocate

For Respondent : M/S S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

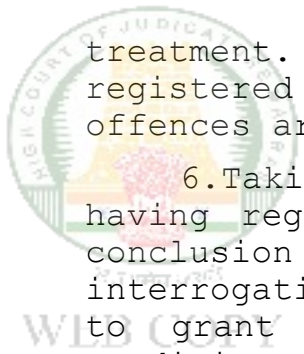
The petitioners, who are arrayed as accused No.1 and 2, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.263 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the son of the defacto complainant usually visit the 1st petitioner's house in friendship manner. On 29.12.2017, the 1st petitioner came to the house of the defacto complainant and quarrelled with her son, whereby questioning him to give back the pigeon steal by him. Thereafter, these petitioners assaulted the son of the defacto complainant with stick and caused simple injury and threatened him with dire consequences. Hence, the case has been registered against these petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they are in no way connected to this case.

4.The learned Additional Public Prosecutor submitted that investigation is not yet completed.

5.The submissions made by the learned counsel on either side are considered. The injured who sustained injury in the alleged occurrence was discharged from the hospital after completing the



treatment. The petitioners are the first offenders. In the case registered against the petitioners except 506(ii) of IPC, all other offences are bailable in nature.

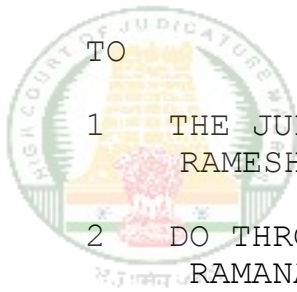
6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, 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, Rameshwaram, 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/-
08/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
RAMESHWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.R.SHENBAGARAJ Advocate SR.No.302

JAM/10/01/2018/CM-VR/ SAR 3 / 3P-6C

ORDER

IN

CRL OP(MD) No.136 of 2018

Date :08/01/2018