



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.14 of 2018

1 I. KODIVEL
2 M. PARVATHI

... PETITIONERS/ACCUSED No.1 and 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VALINOKKAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
CRIME NO.65/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.T.THIRUMURUGAN Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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 294(b), 336 and 506 (i) of IPC in Crime No.65 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner along with one Irulappan have abused and assaulted the de-facto complainant with stones and caused injuries and also threatened with dire consequences.

3.The learned counsel appearing for the petitioners submitted that it is a case and case in counter and 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 Additional Public Prosecutor submitted that part of the investigation is completed and no one had injured in the occurrence.



5. The submissions made by the learned counsel on either side are considered. According to the prosecution, part of the investigation is completed. Further, in the offences registered against the petitioners, 506 (i) IPC alone is a major offence and no one had injured in the occurrence.

6. Taking all the abovesaid aspects into consideration, and having regard to the nature of offence, **this Court comes to the conclusion that in order to complete investigation, custodial interrogation is not necessary. Accordingly this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:-**

(i) The petitioners are granted anticipatory bail in the event of their arrest or on their surrender before the learned Judicial Magistrate, Muthukulathur.

(ii) On such arrest or surrender, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.25,000/- each with two sureties for like sum each to satisfaction of the learned Judicial Magistrate, Muthukulathur.

(iii) The petitioners are directed to appear before the respondent Police daily at 10.00 a.m. for a period of two weeks.

(iv) The petitioners shall make themselves available for interrogation as and when required by the Investigation Officer.

(v) 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/-
05/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
MUTHUKULATHUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
VALINOKKAM POLICE STATION, RAMANATHAPURAM DISTRICT,

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

+1. CC to M/S.T.THIRUMURUGAN Advocate SR.No.178

ORDER

IN

CRL OP(MD) No.14 of 2018

Date :05/01/2018

SMA/CM-VR/SAR-2/10.01.2018:3P/6c