



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1421 of 2018

1 V.MUTHIAH @ BOSE
2 M.JEYASANKAR
3 M.VELMURUGAN
4 A.PARAMASIVAM
5 M.RAJA
6 NATA.RAJAMARTHANDAN
7 THAVAMANI PERIYAKARUPPAN

... PETITIONERS/ACCUSED No.1to7

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT,
IN CRIME NO.2 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.SATHIAMOORTHY Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A7, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 324 and 506(ii) I.P.C., in Crime No.10 of 2018, seek anticipatory bail.

2.The case of the prosecution is that during the time of celebrating Mattu Pongal festival, due to the previous enmity, the petitioners assaulted the defacto complainant, thereby the defacto complainant sustained injuries. Hence, the case has been registered for the above said crime.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the offence as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners. He further submitted that it is a case and case in counter.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the injured has already been discharged from the hospital and further submitted that the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, due to previous enmity, the petitioners assaulted the defacto complainant, thereby the defacto complainant sustained simple injuries. As per the case of the prosecution, as of now, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing treatment. Hence, custodial interrogation of the petitioners may not be 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 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, Thirupathur, Sivagangai 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 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 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/-
07/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, THIRUPATHUR, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.M.SATHIAMOORTHY Advocate SR.No.2072

ORDER

IN

CRL OP(MD) No.1421 of 2018

Date :07/02/2018

PK/PM-PN/SAR-2/13.02.2018 : 3P/6C