



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

Thursday, the First day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1578 of 2018

1 MALAIRAJ
2 RAMACHANDRAN
3 NAGANATHAN
4 RAMANATHAN
5 NAMBU @ BAKKU

... PETITIONERS/ACCUSED 1,2,3,4,5

Vs

STATE REP BY
THE INSPECTOR OF POLICE
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICTT,
IN CRIME NO. 1/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.BALAMURUGAPANDI 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/A-1 to A-5, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 448, 323, 324 and 506(ii) I.P.C., in Crime No.1 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 27.01.2018, the petitioners herein beaten the defacto complainant by using their hands, scolded him with filthy language and also made life threat to the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioners.

3.The learned counsel appearing for the petitioners submitted that in fact the defacto complainant's family beaten the petitioners' family. Due to that, the petitioners' family lodged a complaint before the respondent police, in which case in Crime No.2 of 2018 has been registered against the defacto complainant's family. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted the person, who sustained injury in the occurrence is discharged from the hospital. According to him, investigation still pending.

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5. Upon considering the arguments advanced by either side, it is alleged that the petitioners assaulted the defacto complainant and caused injuries. It is a case of case in counter. According to prosecution, the person who sustained injury has been discharged from the hospital after completing the treatment. So, custodial interrogation of the petitioners is not necessary for completing the investigation. Hence, 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 District Munsif Cum Judicial Magistrate, Rameswaram, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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/-

01/02/2018

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- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, RAMESWARAM,
RAMANATHAPURAM DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.1750

ORDER
IN
CRL OP (MD) No.1578 of 2018
Date :01/02/2018

SMA/RR-CSL/SAR-4/12.02.2018:3P/6c