



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1581 of 2018

1 K. SAKTHIVEL

2 A. JOHN JACOB ALWIN

... PETITIONERS/ACCUSED Nos.2 & 4

Vs

STATE REP BY

THE INSPECTOR OF POLICE

VIRUDHUNAGAR WEST POLICE STATION,

VIRUDHUNAGAR DISTRICT,

IN CRIME NO.48/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JOTHI BASU 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/accused Nos.2 & 4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 336, 506(ii) of IPC., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.48 of 2018, seek anticipatory bail.

2. The case of the prosecution is that due to the dispute with regard to watching the movie in the Cinema Theatre Hall, the petitioners and other accused assaulted the defacto complainant, his mother and his friends by using Cricket stick & Stones, due to which they sustained severe injuries. Hence, the case has been registered against the petitioners and other accused.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this crime. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the injured have been discharged from the hospital. He further submitted that the investigation is in progress.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, due to previous enmity, the petitioners assaulted the defacto complainant, his mother and his friends. Admittedly, the persons, who sustained injury at the time of alleged occurrence were discharged from the hospital after completing treatment. Accordingly, 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 No.I, Virudhunagar, 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., 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 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNGAR

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.1742

ORDER
IN
CRL OP(MD) No.1581 of 2018
Date :01/02/2018

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