



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.175 of 2018

1 THANGARAJ
2 MUTHUSAMY

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE SUB-INSPECTOR OF POLICE
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT,
(CRIME NO.241 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.VENKATESAN 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 :-

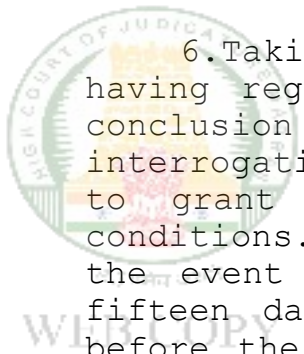
The petitioners, who are arrayed as accused No.1 and 2, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147,148, 294(b), 323, 324, 506(ii) of IPC in Crime No.241 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners and other accused persons attacked the defacto complainant and the petitioners have abused the de-facto complainant in filthy language with dire consequences. Hence, the present complaint is registered on 14.12.2017, against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent person 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 Government Advocate (Crl.Side) submitted that investigation is not yet completed. According to him, the injured was discharged from the hospital.

5.The submissions made by the learned counsel on either side are considered. According to the prosecution, part of the investigation is completed. Further, the person, who sustained injuries at the time of occurrence, was discharged from the hospital after completing treatment.



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 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 Court No.I, Ramanathapuram, 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 NO.I, RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE SUB-INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.VENKATESAN Advocate SR.No.275

ORDER IN
CRL OP(MD) No.175 of 2018
Date :08/01/2018