



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

Tuesday, the Sixth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1812 of 2018

1 KARUPPASAMY
2 ARICHANDRAN

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOPPAMPATTI POLICE STATION,
TUTICORIN DISTRICT.
IN CRIME NO.13/2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.T.CHANDRASEKARAN, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

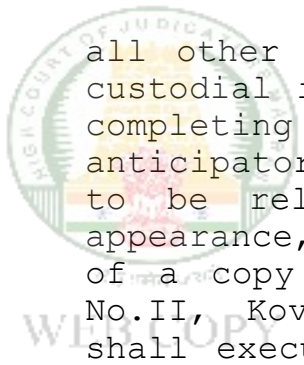
The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294 (b), 323, 506(ii) and Section 4 of TNPWH Act, in Crime No.13 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the defacto complainant and the petitioners herein, thereby, the petitioners assaulted the defacto complainant and cause injury to the defacto complainant. Hence, this case has been registered against these petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the person who sustained injury during the time of occurrence, has been discharged from the hospital. According to him, investigation is still pending.

5.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioners herein assaulted the defacto complainant and caused injuries to the defacto complainant. According to prosecution, the person who sustained injury, during the time of occurrence, has been discharged from the hospital after completing the treatment. It is a case of case in counter. Further, Except 506(ii) I.P.C., and Section 4 of TNPWH Act,



all other petition mentioned offences are bailable in nature. So, custodial interrogation of the petitioners may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.II, Kovilpatti, Tuticorin, 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, 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/-
06/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI,
TUTICORIN DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
KOPPAMPATTI POLICE STATION, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.CHANDRASEKARAN Advocate SR.No.1954

ORDER IN
CRL OP(MD) No.1812 of 2018
Date :06/02/2018