



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.188 of 2018

1 ATHISAYA PANDI
2 SELVAM
3 BOOMI

... PETITIONERS/ACCUSED No.1,4&5

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI,
IN CRIME NO.591 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.K.KARMEGAM Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

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

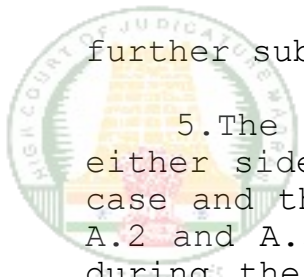
ORDER : The Court Made the following order :-

The petitioners/A.1, A.4 & A.5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C, in Crime No.591 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while celebrating the New Year Festival, the petitioners along with other accused attacked the defacto complainant and abused him in filthy language.

3.The learned counsel appearing for the petitioners submitted that earlier, the defacto complainant attacked the petitioners and other accused and a case has been registered against the defacto complainant and now, the defacto complainant has given a false complaint against the petitioners and other and further submitted that it is a case of case in counter and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) 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 counsel appearing on either side are considered. Totally, there are five accused in this case and these petitioners are arrayed as A.1, A.4 and A.5, already A.2 and A.3 were arrested and released on bail. It is alleged that during the time of celebrating New Year Festival, the petitioners along with two other accused joined together and committed the offence. Except 506(ii) I.P.C, all other petition mentioned offences are bailable in nature. Admittedly, the person, who sustained injury, was injured from the hospital.

6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, 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, Vadipatti, Madurai 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/-
12/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE SUB INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION, MADURAI

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

+1. CC to M/S.K.KARMEGAM Advocate SR.No.714

ORDER

IN

CRL OP(MD) No.188 of 2018

Date :12/01/2018

PK/VR/SAR-4/18.01.2018 : 3P/6C