



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1897 of 2018

1 KARMEGAM

2 PETHURAJ

3 PASUMPON PALANISAMY

... PETITIONERS / ACCUSED Nos.4,6 & 5

Vs

THE STATE REPRESENTED BY ITS
THE SUB INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
VILATHIKULAM.

IN CR.NO. 15/2018

THOOTHUKUDI DISTRICT ,

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.N.RAMESH ARUMUGAM Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI

Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

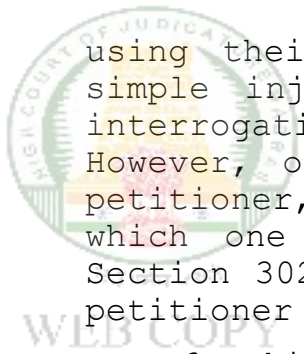
The petitioners / A4, A6 & A5, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 364, 342, 294(b), 323, 307 & 506(ii) IPC in Crime No.15 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioners assaulted the de facto complainant and abused in filthy language and thereby, threatened him with dire consequences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons 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 the second petitioner is having 2 previous cases, out of which one case has been registered for the offence punishable under Section 302 IPC. According to him investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, due to money dispute, the petitioners along with three other accused waylaid the de facto complainant and assaulted by



using their hands. Thereby, the de facto complainant sustained simple injury and treated as out-patient. Therefore, custodial interrogation may not be necessary for completing the investigation. However, on going through the previous antecedents of the second petitioner, who is A6 in this case, is having 2 previous cases, in which one case was registered for the offence punishable under Section 302 IPC., would show the previous antecedents of the second petitioner that he is an habitual offender.

6. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail only to the first and third 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, Vilathikulam, 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 first and third petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the first and third petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the first and third petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the first and third petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the first and third petitioners in accordance with law as if the conditions have been imposed and the first and third 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]**.

7. Considering the previous antecedents of the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of the second petitioner.

sd/-
07/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE SUB INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION, VILATHIKULAM.
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.2103

GNS

JAM/13/02/2018/PN/ SAR 4/ 3P-6C

ORDER

IN

CRL OP(MD) No.1897 of 2018

Date :07/02/2018