



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP (MD) No.2028 of 2018

1 VIJAY SHANKAR  
2 VAIGUNTH  
3 MANICKAM @ MANICKARAJ  
4 SHANKAR @ DHANA SHANKAR  
5 JEYAGANESH

... PETITIONERS / ACCUSED  
NOS.1,2&4 TO 6

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
SAYARPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT,  
IN CR.NO. 9/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHIR,  
Government 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 nos.1,2 and 4 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.9 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners assaulted the defacto complainant by using Aruval and also criminally intimidated him. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4. The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and the investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, due to the wordy quarrel, the petitioners being the friend of the defacto complainant assaulted the defacto complainant by using Aruval and thereby, the defacto complainant has sustained injury. As of now, the person, who sustained injury, discharged from the hospital on 15.02.2018. Considering the nature of offences committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. 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, Thoothukudi, 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 appear before the respondent Police daily 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 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/-  
20/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE  
SAYARPURAM POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.2751

GJM/RR/SAR-3-26.2.18-3P-6C

ORDER

IN

CRL OP (MD) No.2028 of 2018

Date :20/02/2018