



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2079 of 2018

1 MARIAPPAN
2 KUMAR
3 RAJAGURU

... PETITIONERS / ACCUSED 3,4 & 5

Vs

THE STATE REP.BY
INSPECTOR OF POLICE
KARIVALAMVANDHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 53/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.A.S.VAIGUNTH, for
M/S.G.THALAIMUTHARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Cr1. 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.3 to 5, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 342, 323, 307 and 506 (ii) of IPC, in Crime No.53 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with two other accused waylaid the *defacto* complainant and assaulted him by using Aruval and thereby, the *defacto* complainant has sustained injury. Hence, the *defacto* complainant had lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and 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) appearing for the respondent would submit that the investigation is not yet



completed. He would further submit that the injured person discharged from the hospital.

5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioners herein along with some other accused waylaid the *defacto* complainant and assaulted him by using Aruval and thereby, the *defacto* complainant sustained injury. As of now, the person, who sustained injury was discharged from the hospital.

6. In the above circumstances, even though, this case has been registered for the offence under Section 307 of IPC, considering the nature of offences committed by the petitioners, this Court comes to the conclusion that the custodial interrogation of the petitioners is not necessary. Hence, 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, Sankarankovil, 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. 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/-

09/02/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KARIVALAMVANDHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.2271

GJM/CSL/SAR-4-13.2.18-3P-6C

ORDER

IN

CRL OP (MD) No.2079 of 2018

Date :09/02/2018