



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2230 of 2018

1 PALPANDI
2 RAJA
3 DEVARAJ

... PETITIONERS/ACCUSED Nos.1 to 3

Vs

THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI.
IN CRIME NO.33/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.MOHAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

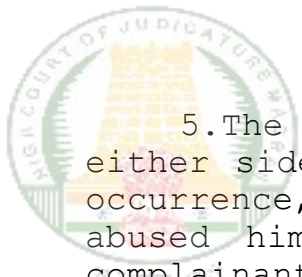
ORDER : The Court Made the following order :-

The petitioners / A1 to A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 506(i) IPC in Crime No.33 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have threatened the de facto complainant and abused him in filthy language and thereby assaulted the complainant and caused injury to him. Hence, the present case has been registered.

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 injured has been discharged from the hospital. 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, petitioners have threatened the de facto complainant and abused him in filthy language and also assaulted the de facto complainant and thereby caused injury to him. As per the submissions of the learned Government Advocate (Crl.side), the person, who sustained injuries, at the time of occurrence, was discharged from the hospital, after completing treatment. Apart from that, except Section 506(i) IPC, the other offences mentioned in the petition are bailable in nature. Accordingly, custodial interrogation may not be necessary for completing the investigation.

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 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-II, Sivagangai, 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. 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 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/-

13/02/2018

/ TRUE COPY /



gns
TO

WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI
- 2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION, SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.A.MOHAN Advocate SR.No.2478

ORDER
IN
CRL OP(MD) No.2230 of 2018
Date :13/02/2018

SMA/RR-CSL/SAR-2/16.02.2018:3P/6c