



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2273 of 2018

1 KARTHICK
2 MAHARAJAN

... PETITIONERS/ACCUSED No.1&2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.83 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.MURALI, Advocate

For Respondent : M/S.A.ROBINSON, 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-2, who apprehend arrest at the hands of the respondent police for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C., in Crime No.83 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is an employee of the Private Finance Company lodged a complaint before the respondent police stating that when he went to the petitioners' house to collect the dues of the finance company, at that time, the petitioners assaulted the defacto complainant, due to which, the defacto complainant sustained injury. Hence, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that during the time of occurrence, the



person, who sustained injury was discharged from the hospital. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, in order to recover the loan amount, the defacto complainant went to the petitioners' house, at that time, the petitioners assaulted the defacto complainant, due to which, the defacto complainant sustained injury. According to the prosecution, during the time of occurrence, the person who sustained injury has been discharged from the hospital after completing the treatment. Apart from that, except Section 506(ii) I.P.C., all other petition mentioned offences are bailable in nature. So, custodial interrogation of the petitioners may not be necessary for completing the investigation. 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, Melur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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/-
14/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.R.MURALI Advocate SR.No.2528

ORDER
IN
CRL OP(MD) No.2273 of 2018
Date :14/02/2018

PK/RR-CSL/SAR-3/19.02.2018 : 3P/6C