



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.2308 of 2018

1 ALAGESAN

2 ARUL @ ASHOK KUMAR

3 HARI @ HARIKUMAR

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
KARAIKUDI NORTH POLICE STATION,  
SIVAGANGAI DISTRICT  
(CRIME NO.53/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.M.SANJAY Advocate

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

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

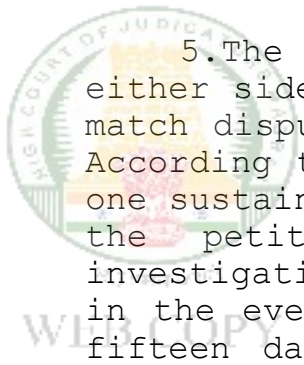
ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148 and 506(ii) I.P.C., in Crime No.53 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 11.02.2018, there was a dispute with regard to the foot ball match between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant by using filthy language, threatened him and also assaulted by using hands. Hence, case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, 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, no one sustained injury in this case. 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 due to the foot ball match dispute, the petitioners assaulted the defacto complainant. According to prosecution, during the time of alleged occurrence, no one sustained injury in this case. Hence, custodial interrogation of the petitioners may not be necessary for completing the investigation. 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, Karaikudi, 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 /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.SANJAY Advocate SR.No.2514

ORDER IN  
CRL OP(MD) No.2308 of 2018  
Date :14/02/2018