



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2479 of 2018

1 KANNAN @ PAZHAM
2 MANIKANDAN
3 MUTHU @ MUTHUKUMAR
4 PRATHAP @ PERIYASAMY

... PETITIONERS/ACCUSED NO.1 TO 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION,
PALAVOOR,
TIRUNELVELI DISTRICT,
IN CR.NO. 36/2018.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.PALANIVELAYUTHAM Advocate

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

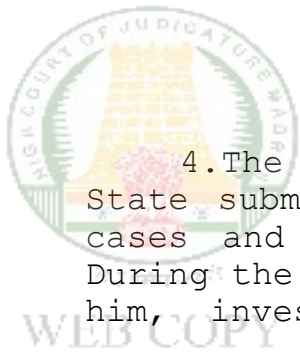
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b), 323, 324 and 506(ii) I.P.C., in Crime No.36 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to the previous enmity between the petitioners and the defacto complainant, on 10.02.2018, while the defacto complainant was travelling towards his home, at that time, the petitioners waylaid the defacto complainant, abused the defacto complainant by using filthy language and also beaten him with hands. Hence, a 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. Further added that they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) appearing for the State submitted that the first petitioner is having four previous cases and the second petitioner is having three previous cases. During the time of occurrence, no one sustained injury. According to him, investigation is still pending in this case.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners way laid the defacto complainant, abused him by using filthy language and also beaten the defacto complainant by using the hands. Considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. However, as per submissions made by the learned Government Advocate(Crl.Side) appearing for the State that the first petitioner is having four previous cases and the second petitioner is having three previous cases, which are all shows that the first and second petitioners are habitual offenders. So, if this type of petitioners are released on anticipatory bail, they may tamper the witness and hamper the investigation. Therefore, for the reasons stated above, in respect of first and second petitioners are concerned, this Court is not inclined to grant anticipatory bail. Accordingly, the Criminal Original Petition is dismissed in respect of first and second petitioners.

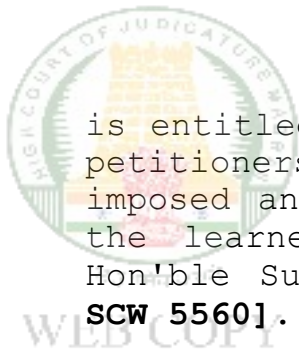
6. In respect of third and fourth petitioners are concerned, this Court is inclined to grant anticipatory bail, with certain conditions. Accordingly, the third and fourth petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that the third and fourth 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 third and fourth petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks, thereafter, as and when required for interrogation.

(ii) the third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the third and fourth petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the third and fourth petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court



is entitled to take appropriate action against the third and fourth petitioners in accordance with law as if the conditions have been imposed and the third and fourth 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/-
16/02/2018

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

MSA
TO

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

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.2708

GJM/RR/SAR-3-21.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.2479 of 2018
Date :16/02/2018