



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

Wednesday, the Twenty First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2518 of 2018

1 THANGAVEL
2 SIVAKAMI
3 NAGARAJAN

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT,
(*) IN CR.NO. 32 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.SHANMUGASUNDARAM Advocate

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

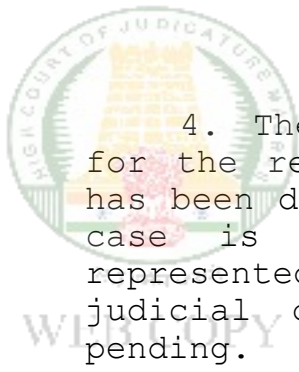
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections **(*)294(b), 324 and 506(i) of IPC., in Crime No.32 of 2018**, seek anticipatory bail.

2. The case of the prosecution is that on 02.02.2018, the petitioner's goat was entered into the defacto complainant's agricultural land, due to which, a wordy quarrel arose between the petitioners and the defacto complainant. Thereby, the petitioners assaulted the defacto complainant and threatened him with dire consequences. Hence, the case has been registered against the petitioners for the above incident.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they did not commit any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital. He further submitted that no case is pending against the third petitioner. Further, he represented that the second petitioner was arrested and remanded to judicial custody on 15.02.2018 and the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. According to the prosecution, no case is pending against the third petitioner. Further, he represented that the second petitioner was arrested and remanded to judicial custody on 15.02.2018. So, this Criminal Original Petition is dismissed as against the second and third petitioners. Insofar as the first petitioner is concerned, it is alleged that he waylaid the defacto complainant and made assault, thereby the defacto complainant sustained injuries. As of now, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing treatment. So, considering the facts and circumstances of the case, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, on condition that the petitioner 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 first petitioner 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 first petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the first petitioner shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the first petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/-
21/02/2018

**(*)Amended as per order of this Hon'ble Court made
in CRL MP(MD).1279/18 in CrI OP(MD).2518/18
dated 21.2.18 by RPAJ**

/ TRUE COPY /

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

TO

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

+1. CC to M/S.C.SHANMUGASUNDARAM Advocate SR.No.2852

ORDER
IN
CRL OP(MD) No.2518 of 2018
Date :21/02/2018

MKV-CM-VR-SAR 2/28.2.2018/3P-6C