



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2541 of 2018

1 SARAVANAN,
2 VINOTH @ MOHAN,
3 MUTHUKRISHNAN,
4 PALAIAH @ BALASUBRAMANIAN
5 KALIMUTHAN

... PETITIONERS/ACCUSED No.2 to 6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
RAMNAD DISTRICT.
CRIME No.27 OF 2018

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : Mr.K.MATHAN, ADVOCATE
FOR RESPONDENT : Mr.K.SUYAMBULINGA BHARATHI,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

ORDER : The Court Made the following order :-

The petitioners/A2 to A6, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) I.P.C., r/w Section 379 NH of I.P.C., in Crime No.27 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are close relatives, due to the previous motive, there was a wordy quarrel arose between the petitioners and the defacto complainant. Thereby, the petitioners threatened the defacto complainant with dire consequences, assaulted him, committed a theft of Rs.7,000/- and mobile phone from the defacto complainant. Hence, a case has been registered for the above said offence.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to



the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are six accused in this case. The petitioners herein are arrayed as A2 to A6. He further submitted that during the time of occurrence, the property, which was stolen away by the petitioners have not been recovered. 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, the petitioners assaulted the defacto complainant and committed the offence. The learned Government Advocate (Cr1.Side) appearing for the State fairly conceded that the defacto complainant is the close relative of the petitioners. Further, for the same occurrence, another one case was registered in Crime No.28 of 2018 by the same respondent police. So, it is a case of case in counter. Therefore, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. 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, Paramakudi, 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 until further orders.

(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 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/-
28/02/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.MATHAN Advocate SR.No. 3312

ORDER

IN

CRL OP(MD) No.2541 of 2018

Date :28/02/2018

MSA

TE/CM-VR/SAR-1 : 02/03/2018 : 3P/6C