



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2656 of 2018

1 APPU @ THIYAGARAJAN
2 BALASUBRAMANIAN

...PETITIONERS/ACCUSED No.1 & 2

Vs

THE INSEPCTOR OF POLICE
SOMARASANPETTAI POLICE STATION,
TRICHY DISTRICT,
(Crime No.28/2018)

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.C.BETHANASAMY 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 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 324 and 506(ii) of IPC., in Crime No.28 of 2018, seek anticipatory bail.

2. The case of the prosecution is that at the time of conducting meeting with regard to celebrate the temple festival, there was a wordy quarrel arose between the petitioners and the defacto complainant due to which the petitioners assaulted the defacto complainant and threatened with dire consequences. Hence, the case has been registered against the petitioners for the above said incident.

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 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.



has been discharged from the hospital. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. According to the prosecution, the person, who sustained injuries during the time of occurrence has been discharged from the hospital after completing treatment. Further, except Section 506 (ii) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the 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 No.V, Trichy, on condition that each of the petitioners 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 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/-

20/02/2018

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



1 THE JUDICIAL MAGISTRATE NO.V
TRICHY

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSEPCTOR OF POLICE
SOMARASANPETTAI POLICE STATION, TRICHY DISTRICT

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

+1. CC to M/S.C.BETHANASAMY Advocate SR.No.2778

ORDER
IN
CRL OP (MD) No.2656 of 2018
Date :20/02/2018

PJL
SH/CM/SAR-2:21.02.2018:3p/6c