



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2941 of 2018

1 SAKTHI
2 MANIKANDAN
3 SENTHIL
4 KASI
5 MARUTHUPANDI

... PETITIONERS / ACCUSED Nos.1 to 5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
TALUK POLICE STATION, SIVAGANGAI,
SIVAGANGAI DISTRICT ,
IN CR.NO. 39/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.G.KARUPPASAMY PANDIYAN Advocate

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

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

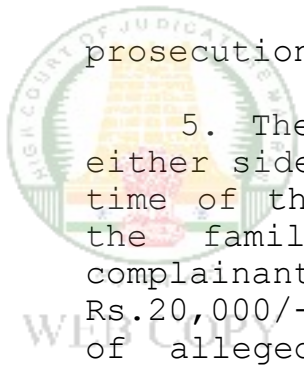
ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) I.P.C., in Crime No.39 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 19.02.2018, during the time of the fourth petitioner's father's funeral function, due to the previous enmity, there was a wordy quarrel arose between the petitioners and the defacto complainant, due to which the petitioners assaulted the defacto complainant, pushed down his two-wheeler and caused damage to the two-wheeler. Hence, the case has been registered for the above said incident.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence as alleged by the prosecution and prays for grant of 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 during the time of occurrence, the petitioners damaged the defacto complainant's two-wheeler worth about Rs.20,000/-. According to the



prosecution, the investigation is going on.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that on 19.02.2018, at the time of the fourth petitioner's father's funeral function, due to the family dispute, the petitioners assaulted the defacto complainant and caused damage to his motorcycle to the tune of Rs.20,000/-. As of now, the person, who sustained injury at the time of alleged occurrence was discharged from the hospital after completing treatment. Accordingly, custodial interrogation of the petitioners 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.II, Sivagangai, Sivagangai District, 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) each of the petitioners shall deposit Rs.4,000/- to the credit of Crime No.39 of 2018, on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District;

(ii) 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;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) 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 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/-
23/02/2018

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI, SIVAGANGAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
TALUK POLICE STATION, SIVAGANGAI,
SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.2938

pjl
JAM/28/02/2018/VR/ SAR 4/ 3p-6c

ORDER
IN
CRL OP(MD) No.2941 of 2018
Date :23/02/2018