



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2980 of 2018

1 K.MARUTHUPANDIAN
2 CHARLES
3 PONPANDI
4 MURUGAN
5 GANESAN @ GANESAMOORTHY
6 VELPANDI
7 PANDI
8 VIJI @ PERIYAPANDI
9 VIJAYAKUMAR
10 PERIYAPANDI
11 AZHAGU
12 MURUGAN
13 MARUTHU @ MARUTHUPANDI
14 THANGAVEL

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY,
THE SUB-INSPECTOR OF POLICE,
CHECKAURANI POLICE STATION,
MADURAI DISTRICT,
IN CRIME NO. 270 OF 2017

... RESPONDENT/COMPLAINANT

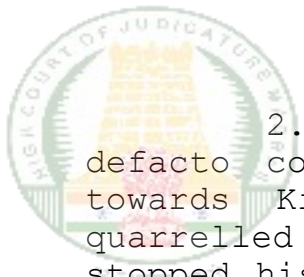
For Petitioners : M/S.M.MARAN, Advocate

For Respondent : M/S.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, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 354, 307 and 506(ii) of I.P.C., and Section 3(1) of TNPPDL Act, in Crime No.270 of 2017, seek anticipatory bail.



2. The case of the prosecution is that on 14.05.2017, the defacto complainant and his relatives were travelling in a car towards Kinnimangalam village, at that time, the petitioners quarrelled with themselves, due to which the defacto complainant stopped his car before 50 feet from the said quarrelled place. The petitioners came towards the car, assaulted the defacto complainant and his relatives by using deadly weapons and caused injuries, thereafter, they damaged the defacto complainant's car. Hence, the case has been registered for the above said offences.

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 submitted that the injured has already been discharged from the hospital. According to the prosecution, the investigation is still pending.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners joined together and assaulted the defacto complainant by using deadly weapons. Thereby, the defacto complainant sustained injury. On the other hand, as per the case of the petitioners, during the time of the said occurrence, the people, who follows the defacto complainant were also assaulted the first petitioner herein, for which the case has been registered in Crime No.272 of 2017. So, no doubt, this is a case and case in counter. According to the prosecution, as of now, in both the cases, the persons, who sustained injury during the time of occurrence, were discharged from the hospital after completing treatment. Hence, considering the facts and circumstances, custodial interrogation may not be necessary. However, considering the seriousness of the offence committed by the petitioners, this Court is inclined to grant anticipatory bail subject to some stringent 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, Usilampatti, 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) the petitioners shall report before the Namakkal Town Police Station, daily at 10.00 a.m., until further orders;

<https://hcservices.ecourts.gov.in/hcservices/> (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii)



(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 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/-
27/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI, MADURAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3 THE SUB-INSPECTOR OF POLICE
CHECKAURANI POLICE STATION, MADURAI DISTRICT,
- 4 THE INSPECTOR OF POLICE, NAMAKKAL TOWN POLICE STATION,
NAMAKKAL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.MARAN Advocate SR.No.3109

ORDER
IN
CRL OP(MD) No.2980 of 2018
Date :27/02/2018

PK/CM-VR/SAR-2/07.03.2018 : 3P/7C