



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.3171 of 2018

1 R.RAMASAMY
2 A.RAMAR
3 P.SANTHANAM
4 R.PAULRAJ

... PETITIONERS / ACCUSED 1,4,5&6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.21 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.A.THIRUVADI KUMAR 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/A1, A4, A5 and A6, who apprend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(i) IPC, in Crime No.21 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, due to the previous enmity, the petitioners assaulted the defacto complainant by using sword and Aruval., further abused the de-facto complainant by using filthy language with dire consequence. Thereby, the de-facto complainant sustained injury Hence, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, the case has been registered against the petitioners for the above said offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and 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 totally eight accused are involved in this case and injured has been discharged from the hospital. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. According to the prosecution, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing treatment, further, the petitioners are the first offender. Accordingly, custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, 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, Srivaikundam, 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 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 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/-
28/02/2018

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TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.3250

GJM/PM/PN/SAR-3-8.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.3171 of 2018

Date :28/02/2018