



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3179 of 2018

1 SWAMINATHAN

2 SITHU

... PETITIONERS/ACCUSED No.1 and 3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
IN CR.NO.24/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.MUTHUVAI K.ILLAYARAJA, Advocate

For Respondent : M/S.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 & A3, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 324, 427 and 506(ii) I.P.C., in Crime No.24 of 2018, seek anticipatory bail.

2.The case of the prosecution is that previous to the alleged occurrence, the petitioners were doing the water business in the land owned by the defacto complainant. When at the time of occurrence, the defacto complainant requested the petitioners to vacate the land, but the petitioners refused to vacate the same and threatened the defacto complainant with dire consequences. Hence, a 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 have been falsely implicated, 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 investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence, due to assault made by the petitioners, the defacto complainant sustained injury. As of now, the injured has been discharged from the hospital. So, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation, hence, 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, Thirupathur, 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. for a period of three weeks, 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/-
08/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.MUTHUVAI K. ILLAYARAJA Advocate SR.No.3826

ORDER

IN

CRL OP(MD) No.3179 of 2018

Date :08/03/2018

PK/RR-CSL/SAR-4/19.03.2018 : 3P/6C