



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

Wednesday, the Seventh day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3528 of 2018

1 V.CHANDRAN
2 S.LINGAM
3 VIKNESH
4 KALAI SELVI
5 VAANI

... PETITIONERS/ACCUSED 1 to 5

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO. 54 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.B.WILLIAM, 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 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 448, 294(b), 323, 324, 506(ii) and 379 of Indian Penal Code, in Crime No.54 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to the family dispute, the petitioners unlawfully entered into the defacto complainant's house and assaulted the defacto complainant by using the iron rod, due to which, the defacto complainant sustained injuries. 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 not



committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the injured has been discharged from the hospital, after completing the treatment. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, due to family dispute, the petitioners unlawfully entered into the occurrence place, which was now under the possession of the defacto complainant and assaulted by using the iron rod, due to which, the defacto complainant sustained injury. As per averments made in the F.I.R., the first petitioner herein taken away the cell phone from the scene of occurrence. As of now, the cell phone was not recovered. Therefore, having regard to the first petitioner, due to non recovery of the cell phone, this Court is not inclined to grant anticipatory bail.

6.Having regard to the other petitioners, this Court is inclined to grant anticipatory bail to the petitioner nos. 2 to 5. Accordingly, the petitioner nos. 2 to 5 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, Valliyoor, on condition that the petitioners 2 to 5 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 petitioner nos. 2 to 5 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 petitioner nos. 2 to 5 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner nos. 2 to 5 shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner nos. 2 to 5 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner nos. 2 to 5 in accordance with law as if the conditions have been imposed and the petitioner nos. 2 to 5



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]**.

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sd/-
07/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.WILLIAM Advocate SR.No.3635

ORDER
IN
CRL OP(MD) No.3528 of 2018
Date :07/03/2018

PK/RR-CSL/SAR-3/13.03.2018 : 3P/6C