



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.3641 of 2018

1 SAMUTHIRAPANDI,
2 MARIAPPAN,

... PETITIONERS/ ACCUSED 1&2

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.55 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.B.SATHEESHKUMAR, FOR
M/S.R.AMARNATH 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, who are arrayed as accused nos.1,2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 353, 307, 224, 225 and 506(ii) of IPC in Crime No.55 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police tried to secure the accused in Crime No.53 of 2018, at that time, the petitioners and two others prevented them from arresting the accused persons. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side) would submit that no one has sustained injury in the alleged occurrence



and the investigation of the case 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, the petitioners and other accused in this case assaulted the defacto complainant. The defacto complainant had not sustained any injury in the alleged occurrence. Moreover, the other accused in this case were already granted with anticipatory bail by this Court. Considering the nature of offences committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. 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, Sankarankoil, 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 appear before the respondent Police daily 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/-

08/03/2018

/ TRUE COPY /



TRP
TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOIL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.AMARNATH Advocate SR.No.3750

GJM/CM/VR/SAR-2-16.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.3641 of 2018

Date :08/03/2018