



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

Friday, the Ninth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3720 of 2018

1 IRULU
2 DHARMAN

... Petitioners/Accused No.2 & 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ABIRAMAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CR.NO.15 OF 2018).

... Respondent/Complainant

For Petitioner : M/S.VISHNURAM, Advocate

For Respondent : Mr.A.ROBINSON,
Govt. Advocate (Crl. Side)

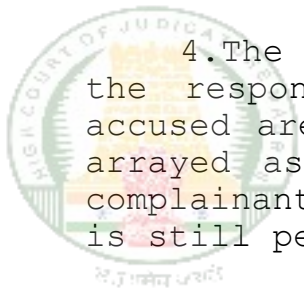
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as A2 and A3 in Crime No.15 of 2018, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC, altered into under Section 294(b), 323, 325 and 506(ii) IPC, seek anticipatory bail.

2. The case of the prosecution is that on 13.02.2018 due to family dispute, a wordy quarrel was arose between the de-facto complainant and the petitioners, by which, the petitioners abused the de-facto complainant by using filthy language and assaulted with stick and hand, thereby, the defacto complainant sustained injury. Hence, the case has been registered by the respondent police 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 four accused are involved in the offence, in which, the petitioners are arrayed as A2 and A3. According to him, as of now the de-facto complainant has been discharged from the hospital and investigation is still pending.

5.The submissions made by the learned counsels on either side are considered. Admittedly the petitioners and the de-facto complainant are close relatives, the alleged occurrence was happened due to the family dispute. As of now, the injured have been discharged from the hospital after completing treatment. Moreover, except Section 506 (ii) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, for the offence stated above, custodial interrogation may not be 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, Kamudhi, Ramanathapuram District, 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 second petitioner/A3 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;

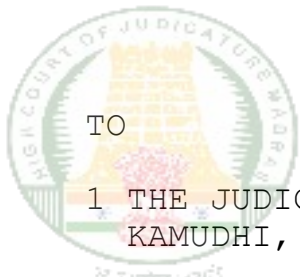
(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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/-
09/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
KAMUDHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
ABIRAMAN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.VISHNURAM Advocate SR.No.3818.

ORDER

IN

CRL OP(MD) No.3720 of 2018

Date :09/03/2018

SDS/MM-PN/SAR.2/14.03.2018/2P/6C