



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3724 of 2018

1 KANNAN @ PAZHAM
2 MANIKANDAN

... PETITIONERS / ACCUSED Nos.1 to 4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION,
PALAVOOR, TIRUNELVELI DISTRICT
(CRIME NO. 36 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.PALANIVELAYUTHAM Advocate

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

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

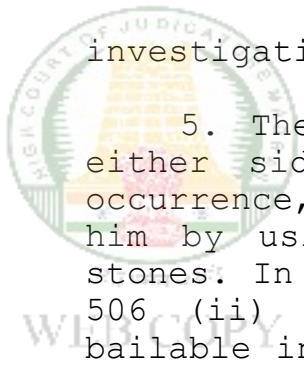
ORDER : The Court Made the following order :-

The petitioners are arrayed as A1 and A2 in Crime No. 36 of 2018 on the file of respondent police, for the alleged offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) I.P.C., they have filed this application, seeking the relief of anticipatory bail.

2.The case of the prosecution is that due to the previous enmity, the petitioners and the defacto complainant, on 10.02.2018, while the defacto complainant comes to his house, the petitioners waylaid the defacto complainant, abused by using filthy language and also assaulted him with stone and caused injuries. Hence, a 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, they have not committed any offence as alleged by the prosecution. Further added that they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that there are four accused in this case. The petitioners are arrayed as A1 and A2. The other accused are granted with anticipatory bail passed by this Court in Crl.O.P.(MD)No.2479 of 2018, dated 16.02.2018. Further he would submit that the injured has been discharged from the hospital. According to him,



investigation is still pending.

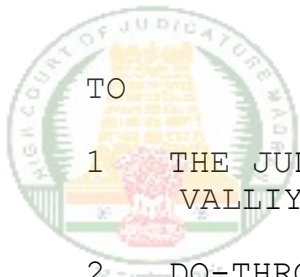
5. The submissions made by the learned counsels appearing on either side are considered. It is alleged during the time of occurrence, the petitioners way laid the defacto complainant, abused him by using filthy language and also assaulted by using the stones. In the offences committed by the petitioners, except Section 506 (ii) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail, with certain conditions. Accordingly, the petitioners are ordered to release 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, Tirunelveli District, 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 third and fourth 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 /

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
PALAVOOR POLICE STATION, PALAVOOR,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.3907

LS

JAM/19/03/2018/ CSL-RR / SAR 1 / 3P-6C

ORDER

IN

CRL OP(MD) No.3724 of 2018

Date :09/03/2018