



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.3726 of 2018

1 NEELAMEGAM

2 PARTHIPAN

... PETITIONERS/ACCUSED 1,2

Vs

STATE REP.BY

INSPECTOR OF POLICE

JETTY POLICE STATION, RAMESWARAM,

RAMANATHAPURAM DISTRICT

(CRIME NO. 12 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI Advocate

For Respondents : MR.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 are arrayed as A1 and A2, apprehending arrest in Crime No. 12 of 2018 on the file of respondent police, for the alleged offences punishable under Sections 294(b), 323, 324 341 and 506(ii) IPC, seek anticipatory bail.

2. The case of the prosecution is, on 01.03.2018 the petitioners herein scolded the de-facto complainant by using filthy language and made a life threat, for which, this case has been registered by the police for the said offences.

3. The learned counsel appearing for the petitioners made a submission that the petitioners are innocent persons, 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. On the other hand, the learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the person, who sustained injury during the time of occurrence has been discharged from the hospital. According to him,



investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. 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, thereby, considering the nature of offences committed by the petitioners in order to complete the investigation, custodial interrogation may not be necessary. So, considering the 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 District Munsif cum Judicial Magistrate, Rameswaran, 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 petitioners 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 /

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



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, RAMESWARAM, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.3814

LS

GJM/RR/CSL/SAR-4-19.3.18-2P-6C

ORDER

IN

CRL OP (MD) No.3726 of 2018

Date :09/03/2018