



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.382 of 2018

1 KALIMUTHU
2 PALANIMURUGAN
3 MURUGAN

... PETITIONERS / ACCUSED Nos.1,5 & 6

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
IN CR.NO. 237/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.VIJAYAN Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

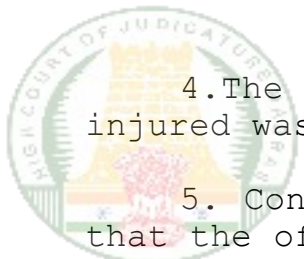
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/accused nos.1,5 and 6, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) @ 147, 148, 294(b), 324, 506(ii) of I.P.C., in Crime No.237 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners and the defacto complainant are college students, on 18.12.2017, the defacto complainant was standing in front of the Kovilur Polytechnic College, when the accused no.1 came from the college and called him, for which, the defacto complainant was gone along with accused no.1, wherein, the petitioners and other accused persons took some wooden stick and attacked the defacto complainant, thereby, he sustained injury. Hence, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that petitioners and the defacto complainant are college students and the accused no.2,3 and 4 were released on bail by the learned Judicial Magistrate, Karaikudi, in Cr.M.P.No.44/2018, dated 04.01.2018. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, they pray for anticipatory bail.



4.The learned Government Advocate (Crl.Side) submitted that the injured was discharged from the hospital.

5. Considering the submissions made on either side, it disclose that the offences under Sections 294(b), 324 and 506(ii) @ 147, 148, 294(b), 324, 506(ii) of I.P.C., in Crime No.237 of 2017 has been registered against the petitioner. The alleged offence happened due to wordy quarrel between the defacto complainant and the petitioners and other accused in this case. Accused nos.2,3 and 4 were already released on bail, as per the order passed by the learned Judicial Magistrate, Karaikudi. According to the prosecution, the defacto complainant sustained grievous injuries during the time of occurrence. Due to the injured was discharged from the hospital, custodial interrogation is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Karaikudi, Sivagangai 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 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 petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
10/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

JAM/17/01/2018/CM-VR/ SAR 3 / 3P-5C

ORDER

IN

CRL OP (MD) No.382 of 2018

Date :10/01/2018