



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.3964 & 4437 of 2018

1 UMA SHANKAR

2 SARAVANAN

TAMILVANNAN

... PETITIONERS / ACCUSED NO.3 & 4
IN CRL OP(MD) No.3964 of 2018

... PETITIONER / 5th ACCUSED
IN CRL OP(MD) No.4437 of 2018

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO. 64 OF 2018)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : M/S.M.S.JEYAKARTHIK Advocate IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side) IN BOTH THE PETITIONS

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

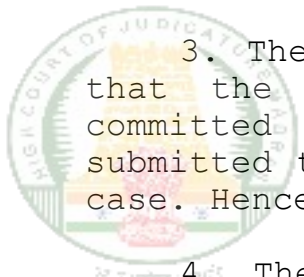
ORDER : The Court Made the following order :-

COMMON ORDER

Since, the petitioners in these two petitions are involved in the same crime registered in Crime No.64 of 2018, these two petitions are taken up together, heard and disposed of by way of common order.

The petitioners/A3, A4 & A5 in these two petitions, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506 (ii) and 307 IPC., and Section 4 of TNPWH Act, in Crime No.64 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant abused the first accused's wife, due to which the petitioners went to the house of the defacto complainant, abused her by using filthy language, assaulted the defacto complainant's husband by using violence and threatened with dire consequences. Hence, the case has been registered for the above said crime.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. 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 submitted that the injured has already been discharged from the hospital. According to the prosecution, the investigation is still pending.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners, being the relatives of the first accused in this case, assaulted the husband of the defacto complainant by using wooden log. Previous to the occurrence, there was a previous enmity between the first accused and the defacto complainant with regard to the opinion given by the defacto complainant towards the first accused's wife. The alleged offence was happened on 10.03.2018. Thereafter, the injured persons were discharged from the hospital immediately on 17.03.2018. There is no previous enmity between the petitioners and the defacto complainant. Already A1 was granted with anticipatory bail by this Court. Thereby, considering the facts and circumstances, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, 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, Paramakudi, 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 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., 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 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/-
21/03/2018

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.M.S.JEYAKARTHIK Advocate SR.Nos.4536 & 4537

ORDER IN
CRL OP (MD) Nos.3964 & 4437 of 2018
Date :21/03/2018

MKV-MM-PN-SAR 1/28.3.2018/3P-7C