



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

Thursday, the Fifteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4107 of 2018

1 MURALI @ MURALISANKAR
2 AMSAPRIYA
3 PONNUTHAI

... PETITIONERS / ACCUSED Nos.1 to 3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THENI POLICE STATION,
IN CR.NO. 1088/2017,
THENI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.C.SUSI KUMAR 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 :-

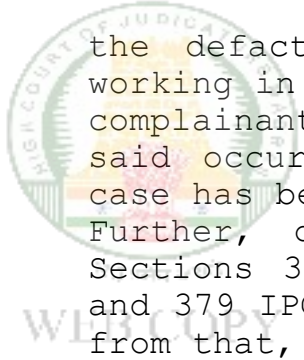
The petitioners, who are arrayed as accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 379, 452 and 506(ii) IPC, in Crime No.1088 of 2017, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners are said to have entered into the shop of the defacto complainant and assaulted the labours, who are working in the said shop, by using wooden log and also threatened them with dire consequences. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners unlawfully entered into the shop run by



the defacto complainant and assaulted the labours, who are all working in the said shop. Moreover, the petitioners and the defacto complainant are having civil dispute over the family property. The said occurrence was happened on 07.07.2015 and subsequently, the case has been registered in the year 2017, after lapse of two years. Further, during the time of investigation, the offences under Sections 3(1)(r)(s), 3(2) (va) of SC/ST (POA) Amendment Act, 2015 and 379 IPC have been deleted by the Investigating Officer. Apart from that, except 506(ii) IPC, the other petition mentioned offences are bailable in nature. Considering the facts and circumstances of the case, this Court came to the conclusion that the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. 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, Theni, 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 appear before the respondent Police daily at 10.00 am 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/-
15/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THENI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.4204

TRP

JAM/27/03/2018/ CSL-RR / SAR 1 / 3P-6C

ORDER

IN

CRL OP(MD) No.4107 of 2018

Date :15/03/2018