



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

WEB COPY

CRL OP (MD) No.4155 of 2018

1 PALANISAMY
2 MUTHUSAMY
3 ALAGAR
4 MUTHU

... PETITIONERS/ACCUSED NO.2,5&6
... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
IN CR.NO. 49/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.J.CHAKKARAVARTHY 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 :-

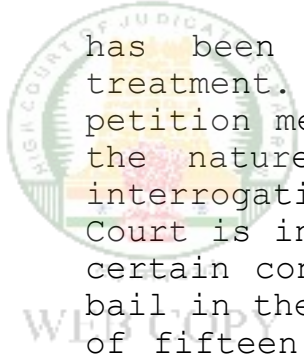
The petitioners/Accused Nos. 2, 5 and 6, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 324 and 506(ii) I.P.C., in Crime No.49 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners and other accused in this case abused the defacto complainant by using filthy language and assaulted him, thereby, he sustained injury and also criminally intimidated the defacto complainant. Hence, a case has been registered for the above said offences.

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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that injured 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. It is alleged, during the time of occurrence, due to previous enmity, the petitioner and other accused in this case abused the defacto complainant by using filthy language and assaulted him, thereby, he sustained injury and now the injured



has been discharged from the hospital, after completing the treatment. Further, except Section 506(ii) I.P.C., all other petition mentioned offences are bailable in nature. So, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary. 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, Aruppukottai, 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 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/-

16/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.J.CHAKKARAVARTHY Advocate SR.No.4215

ORDER IN

CRL OP(MD) No.4155 of 2018

Date :16/03/2018