



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

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4281 of 2018

1 THIRUGNANAM
2 RADHAKRISHNAN
3 SIVARAJAN

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.28 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.VANCHINATHAN 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 :-

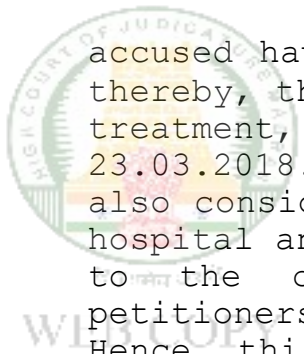
The petitioners, who are arrayed as accused nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC and Section 4 of TNPWH Act, in Crime No.28 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners and other accused are said to have assaulted the defacto complainant with Aruval and caused injuries and also threatened him 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. He further submitted that this is a case of case in counter.

4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and 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, due to wordy quarrel, the petitioners and other



accused have assaulted the *defacto* complainant by using Aruval and thereby, the *defacto* complainant has sustained injury. After getting treatment, now, the injured was discharged from the hospital on 23.03.2018. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that this is a case of case in counter, 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, Thirupathur, 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/-
26/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, THIRUPATHUR, SIVAGANGAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
NACHIYARPURAM POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.VANCHINATHAN Advocate SR.No.4765

TRP

CSL/PMI/SAR-IV/03.04.2018 : 3P/6C

ORDER

IN

CRL OP(MD) No.4281 of 2018

Date :26/03/2018