



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.432 of 2018

1 GANESAN

2 SALMAN

... PETITIONERS/ACCUSED 1 and 2

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
(CR.NO.676/2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.BHARATHY KANNAN, Advocate

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

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

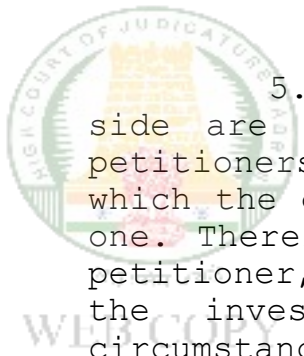
ORDER : The Court Made the following order :-

The petitioners/A1 to A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) IPC, in Crime No.676 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 21.12.2017, at the time of attending funeral ceremony, due to previous enmity, the petitioners along with other accused persons abused the defacto complainant using filthy language and tried to attack the defacto complainant and threatened with dire consequences. Hence, the present case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that they have been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the investigation is still pending.



5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offence under Sections 294(b) and 506(i) IPC in which the offence under Section 506(i) of IPC alone is non-bailable one. Therefore, considering the nature of offence committed by the petitioner, custodial interrogation is not 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. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Karaikudi, 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 investigation officer, daily at 10.00 a.m., for a period of two 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 commit any offence while on bail;
- (iv) the petitioners shall not abscond either during investigation or trial;
- (v) On breach of any of the aforesaid conditions, 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/-
10/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.BHARATHY KANNAN Advocate SR.No.495

ORDER

IN

CRL OP(MD) No.432 of 2018

Date :10/01/2018

PK/RR/SAR-1/12.01.2018 : 3P/6C