



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.44 of 2018

1 SATHEESH @ MARIYARAJ
2 RAMESH
3 JUTO
4 KOILRAJ
5 KASI

... PETITIONERS / ACCUSED Nos.1 to 5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
TUTICORIN DISTRICT,
CR.NO. 198 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.SURESH Advocate

For Respondent : Mr.K.S.DURAIPANDIAN, Additional Public Prosecutor

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

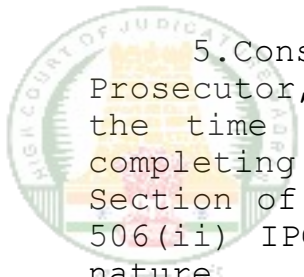
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C., in Crime No.198 of 2017 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to dispute with regard to collision of the vehicles, the petitioners by using leg, hand and knife attacked the de-facto complainant and abused him in filthy language.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Additional Public Prosecutor that the injured person had already been discharged from the hospital.



5.Considering the submission of the learned Additional Public Prosecutor, it seems that the person, who sustained injuries during the time of occurrence, was discharged from the hospital after completing treatment. Hence, there is no scope for altering the Section of law in future. Apart from that, except Sections 324 and 506(ii) IPC, the other petition mentioned offences are bailable in nature.

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6.Taking all the abovesaid aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, 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, Srivaigundam, 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/-
04/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIGUNDAM, TUTICORIN DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
TUTICORIN DISTRICT,

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

+1. CC to MR.M.SURESH Advocate SR.No.208

JAM/08/01/2018/RR/ SAR 1 / 3P-6C

ORDER

IN

CRL OP (MD) No.44 of 2018

Date :04/01/2018