



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.641 of 2018

1 SABARINATHAN
2 RAJA @ PANDIARAJAN
3 VELPANDI @ PANDIVEL

... PETITIONERS/ ACCUSED NOS.1 TO 3
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.11/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.M.SANJAY, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

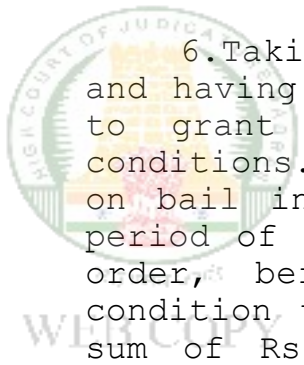
The petitioners/A.1 to A.3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 323, 324 and 506(i) I.P.C., in Crime No.11 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners assaulted the defacto complainant and abused him in filthy language.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are no way connected with the offence, as alleged in the prosecution and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the injured has already been discharged from the hospital and further submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, due to previous enmity, the petitioners attacked the defacto complainant. Admittedly, the person, who sustained injury, was injured from the hospital.



6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Devakottai 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 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 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/-
12/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.SANJAY Advocate SR.No.836

ORDER IN
CRL OP(MD) No.641 of 2018
Date :12/01/2018