



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.74 of 2018

1 PARAMASIVAM
2 MAYILSAMY
3 MURUGAN

... PETITIONERS/ ACCUSED 1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.291 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.D.VENKATESH, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

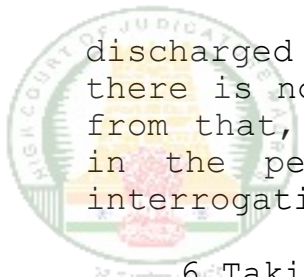
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323 and 506(i) IPC in Crime No.291 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de facto complainant are relatives. Due to previous enmity between them, at the time of a funeral function, a wordy quarrel arose between them and hence, the petitioners assaulted the de facto complainant and threatened with dire consequences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that investigation is not yet completed. According to him, the injured was discharged from the hospital.

5.Submissions made on either side are considered. According to the prosecution, part of the investigation is completed. Further, the person, who sustained injuries at 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 Section 506 (i) IPC the other offences mentioned in the petition are bailable in nature. Therefore, custodial interrogation is not necessary for completing the investigation.

6. Taking 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, 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, Palani, 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 are directed to appear before the respondent Police daily at 10.00 a.m. for a period of three weeks.

(ii) The petitioners shall make themselves available for interrogation as and when required by the Investigation Officer.

(iii) 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/-
05/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PALANI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
3. THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.VENKATESH Advocate SR.No.209

ORDER IN
CRL OP(MD) No.74 of 2018
Date : 05/01/2018