



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.947 of 2018

1 SARATHKUMAR

2 KARTHICK

... PETITIONERS/ACCUSED NO.5 & 6

Vs

THE STATE, REP.BY ITS,
THE INSPECTOR OF POLICE
DEVAKOTTAI POLICE STATION,
SIVAGANGA DISTRICT,
CRIME NO. 10/2018.

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.A.KANNAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

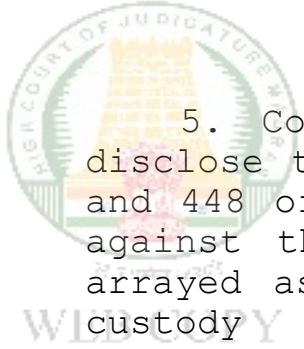
ORDER : The Court Made the following order :-

The petitioners/Accused Nos.5 and 6, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 506(ii) and 448 of I.P.C. in Crime No.10 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that there was previous enmity between the defacto complainant and the petitioners. On 14.01.2018, the petitioners assaulted the defacto complainant with hands and caused simple injury. Moreover, the petitioners threatened the defacto complainant with dire consequences. Hence, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that they are innocent person and they have been falsely implicated in this case. He further submitted that A1 to A4 are still in judicial custody.

4.The learned Government Advocate (Crl.side) submitted that part of the investigation is completed.



5. Considering the submissions made on either side, it disclose that the offences under Sections 147, 294(b), 506(ii) and 448 of I.P.C. in Crime No.10 of 2018, has been registered against the petitioners. The other four accused, who are arrayed as A1 to A4 were arrested and remanded to judicial custody. As of now, part of the investigation is completed. Except 506(ii) IPC, all other offences mentioned in the FIR are bailable in nature. So, considering the nature of offence committed by the petitioner and other facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner, 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, Devakottai, on condition that the petitioner 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 Nungambakkam police station, daily at 5.00 p.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 abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
22/01/2018

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rmi/cp
TO

1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
DEVAKOTTAI POLICE STATION, SIVAGANGA DISTRICT

4 THE INSPECTOR OF POLICE
NUNGAMBAKKAM POLICE STATION, NUNGAMBAKKAM, CHENNAI.

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

+1. CC to M/S.A.KANNAN Advocate SR.No.1038

GJM/CM/VR/SAR-2-30.1.18-3P-7C

ORDER

IN

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Date :22/01/2018