



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.963 of 2018

1 MAHALINGAM
2 ANNA DURAI
3 KUMAR
4 PRABHU @ PRAKASH
5 MAYA KANNAN
6 PANDI
7 BALU
8 SUBBU @ SUBRAMANIAN

... PETITIONERS/ ACCUSED NO.1 TO 8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.13/2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.R.ANAND, 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/Accused Nos.1 to 8, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 324 and 506(ii) IPC., in Crime No.13 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that during pongal celerbation, there was a wordy quarrel between the petitioners and the defacto complainant with regard to selecting place inside the premises of temple, for which, the petitioners assaulted the defacto complainant and caused simple injury. 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 in fact, a case in counter has been lodged by the petitioners herein against the defacto complainant.



4. The learned Government Advocate (Crl.side) submitted that the injured was discharged from the hospital. According to him, investigation is pending.

5. Considering the submissions made on either side, it discloses that the offences under Sections 147, 148, 324 and 506(ii) IPC., in Crime No.13 of 2018, has been registered against the petitioners. Except 506(ii) IPC, all other offences are bailable in nature. It is alleged that during the time of occurrence, the petitioners formed a gang and committed the offence due to the festival. Further, this is a case of case in counter. Therefore, custodial interrogation is not necessary for completing the investigation. Hence, 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 Court, Thiruvadanai, Ramanathapuram District, 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 respondent police daily at 10.30 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.

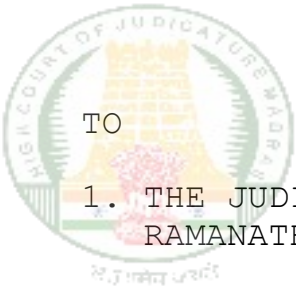
(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the 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

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.R.ANAND Advocate SR.No.1212

ORDER

IN

CRL OP (MD) No.963 of 2018

Date :22/01/2018

MS/PM-PN/SAR.4/24.01.2018/3P.6C