



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.970 of 2018

1 SASIKUMAR
2 MAHESH @ MAHENDRAN
3 INDIRA GOPAL @ RAJAGOPAL
4 SENTHIL

... PETITIONERS/ ACCUSED NO.2 &4 TO 6

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO.09/2018)

... RESPONDENT / COMPLAINANT

SATHEESHKUMAR

...INTERVENING PETITIONER/INTERVENER

For Petitioners : M/S.R.BOOMINATHAN Advocate

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

For Intervener : MR.K.SUDALAIYANDI, ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioners/A2 & A4 to A6, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 324, 336, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.9 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.01.2018, when the defacto complainant and his friends were rode their two wheelers on the petitioners' street, there was a wordy altercation arose between the petitioners and the defacto complainant, due to which the petitioners assaulted the defacto complainant, caused injuries and abused him by using filthy language. Moreover, the petitioners threatened him with dire consequences. Hence, the case has been registered against the petitioners for the above incident.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor would submit that the petitioners and the defacto complainant belongs to different communities. Due to communal motive, the petitioners assaulted the defacto complainant. He further submitted that already a case has been registered in Crime No.115 of 2011 by the very same police station against the first petitioner. In that case, charge sheet was filed before the Court concerned. Thereafter, the first petitioner went to abroad. According to the learned counsel appearing for the intervenor, the said case is still pending against the first petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital. He further submitted that the investigation is still pending.

6. The submissions made by the learned counsel appearing on either side are considered. According to the prosecution, the alleged offence was happened due to the wordy altercation arose between the petitioners and the defacto complainant. As per the submission of the learned Government Advocate (Criminal side), the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing treatment. Further, except the offence under Section 506 (ii) IPC, and Section 4 of TNPWH Act, all the other petition mentioned offences are bailable in nature. So, for completing the investigation, custodial interrogation of the petitioners is not necessary. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with some stringent 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, Paramakudi, 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 Karur Town Police Station, daily at 10.00 a.m., until further orders;



(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;

WEB COPY

(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/-
25/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.1496
+1cc to MR.K.SUDALAIYANDI, Advocate in SR.No. 1371

PJL
GJM/CM/VR/SAR-4-31.1.18-3P-8C

ORDER
IN
CRL OP(MD) No.970 of 2018
Date :25/01/2018