



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

Wednesday, the Ninth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7520 of 2018

1 KUMAR
2 SURYA
3 PANDI
4 KUMAR
5 KARUPPAIAH

... PETITIONERS / ACCUSED Nos.1,4,11,12& 14

Vs

THE STATE THROUGH
THE INSEPCTOR OF POLICE
NACHIYAPURAM POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO. 40 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.P.AJU TAGORE Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
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. 1,4,11,12 and 14 , who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147,148,294(b),323,324 and 506(ii) of IPC in Crime No.40 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 along with the other accused abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and that the co- accused have been released on bail and that the injured has been discharged from the hospital

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police on instruction would submit that co- accused have been enlarged on bail and that the injured has been discharged from the hospital on 06.05.2018 and that the investigation is still



pending.

5. Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, and that co-accused have been released on bail, **I am inclined to grant anticipatory bail to the petitioners.** Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Thiruppathur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the the petitioners in accordance with law as if the conditions have been imposed and the 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/-
09/05/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT

3 THE INSEPCTOR OF POLICE
NACHIYAPURAM POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to M/S.S.SABBANI KARPURA JOTHI Advocate SR.No.8266

AAV/RM

JAM/11/05/2018/ PN/ASVM / 2P-6C

ORDER

IN

CRL OP(MD) No.7520 of 2018

Date : 09/05/2018