



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7732 of 2018

1 BALASUBRAMANIAN
2 THANGAPANDI
3 SAKTHIVEL
4 THANGAMALAI
5 BALAMURUGAN
6 VELMURUGAN
7 LAKSHMANAN
8 SILAMBARASAN

... PETITIONERS/ ACCUSED NO.2,3,5 TO 10

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
M.PUDHUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.81 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.P.KRISHNASAMY Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

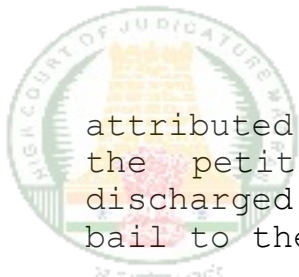
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 I.P.C., r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 3 of TNPPDL Act in Crime No.81 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and others attacked the defacto complainant and damaged the two wheeler on 30.04.2018 due to the election motive in Kothaneri Cooperative Society.

3.On the side of the petitioners, it is stated that co-accused A1 and A2 were arrested and released on bail by the learned Principal District Judge, Virudhunagar and due to political motive, a false case has been foisted against the petitioners. All the parties quarrelled each other and no specific overt act is



attributed against the petitioners. The maximum allegation against the petitioners is under Section 294(b) and the victim was discharged from the hospital and hence, he prays for anticipatory bail to the petitioners.

4. On the side of the respondent, it is stated that totally there are 10 accused involved in the occurrence. Due to cooperative election motive, the petitioners formed into an unlawful assembly and assaulted the defacto complainant with an iron rod and two persons were injured and the victim was discharged on 04.05.2018 and the first anticipatory bail petition filed by the petitioner was dismissed by this Court on 03.05.2018.

5. Records perused. The earlier petition filed by the petitioners was dismissed on the ground that the injured was inpatient at that time. The change of circumstance is that the injured was discharged from the hospital and the co-accused/A1 and A2 were already arrested and released on bail. Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail only to the petitioners. Accordingly, the 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 No.II, Sivakasi, Virudhunagar District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) each 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.

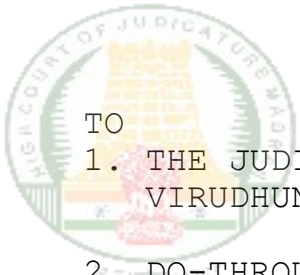
[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 /



TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3. THE INSPECTOR OF POLICE,
M.PUDHUPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.P.KRISHNASAMY Advocate SR.No.8348

ORDER

IN

CRL OP(MD) No.7732 of 2018

Date :09/05/2018

MS/CM/VK/11.05.2018/3P.6C