



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.7778 of 2018

1 MUTHU KUMAR

2 KAMALAIYYA @ KAMALAIYAN

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
TALUK POLICE STATION, THANJAVUR
THANJAVUR DISTRICT
CRIME No.105 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.PITCHAI MUTHU 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, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 324 & 506(ii) IPC in Crime No.105 of 2018, on the file of the respondent Police, seek anticipatory bail.

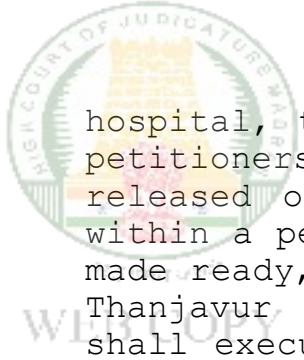
2.The case of the prosecution is that due to civil dispute the petitioners are said to have attacked the defacto complainant and threatened with dire consequence and also abused in filthy language. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their name have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police on instructions would submit that the injured has already been discharged from the hospital on 02.05.2018 and the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the



hospital, this Court is inclined to grant anticipatory bail 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, Thanjavur, Thanjavur District, on condition that the each of 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 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/-

09/05/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR, THANJAVUR DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
TALUK POLICE STATION, THANJAVUR , THANJAVUR DISTRICT

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

+1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No.8254
GNS/TRP
JAM/11/05/2018/ PN/ASVM/2P-6C

ORDER

IN

CRL OP (MD) No.7778 of 2018

Date :09/05/2018