



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

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21167 of 2018

1. PALTHASAR
2. SIMIYONRAJ
3. DHEVASAHAYAM

... PETITIONERS / ACCUSED NOS. 3,4
AND 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 251 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SORNA PRAKASH Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

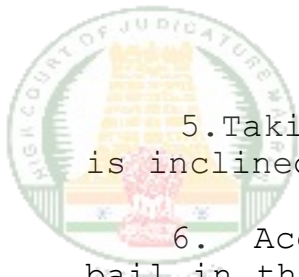
ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324 and 506(ii) IPC, in Crime No.251 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are residing in the same village. On 26.11.2018, there was a dispute between them with regard to fetching of water from the public tap, due to which, the petitioners attacked the defacto complainant with hands. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He further submitted that the petitioners have preferred a complaint against the defacto complainant, since it is a counter case.

4.The learned Additional Public Prosecutor for the respondent police submitted that investigation is pending.



5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Devakottai, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
3. THE INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI



+1. CC to MR.S.SORNA PRAKASH Advocate SR.No.22384

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RMI
MK/VR MMS/SAR 2/05.12.2018/3P/6C

ORDER
IN
CRL OP (MD) No.21167 of 2018
Date :29/11/2018