



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

Tuesday, the Fourteenth day of August Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14446 of 2018

1 SIVANANTHA RAJA
2 SIVANANTHA PERUMAL

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

1 THE ASSISTANT COMMISSIONER OF POLICE,
TIRUNELVELI CITY, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

2 THE SUB INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI.
IN CR NO.505 OF 2018

... RESPONDENTS/COMPLAINANT

3 MUTHUKUTTY@SUNDARAM

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioners : MR.P.BALAN, Advocate

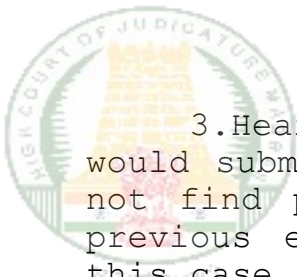
For Respondents : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 of I.P.C. and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST amendment Act, 2015, in Crime No.505 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 26.07.2018, the petitioner and his friends are abusing filthy language and attacked the son of the defacto complainant and on seeing this, the defacto complainant, who was standing at the bus stop came to the place of occurrence and questioned the same, for which, the petitioners again abused him in filthy language and also attacked him and the petitioners and others ran away. Hence, a complaint has been registered.



3. Heard the learned counsel appearing for the petitioners, who would submit that the petitioners are innocent and their names did not find place in the FIR and they are students and due to the previous enmity, the petitioners have been falsely implicated in this case.

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4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital.

5. Considering the fact that the injured has been discharged from the hospital and except the SC/ST Act, other offences are not serious in nature, this Court, by following the judgment of the Apex Court reported in **(2018) 6 Supreme Court Cases 454 - Subash Kashinath Mahajan V. State of Maharashtra**, is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned II Additional District and Sessions Judge Special Court for PCR Act, Tirunelveli and on each of them executing 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 learned Judge concerned and on further condition that the petitioners shall appear before the respondent police daily at 6.00 p.m. for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

14/08/2018

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

TO

- 1 THE II ADDITIONAL DISTRICT AND
SESSION JUDGE, SPECIAL COURT FOR PCR ACT,
TIRUNELVELI DISTRICT
- 2 THE ASSISTANT COMMISSIONER OF POLICE,
TIRUNELVELI CITY, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT



3 THE SUB INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI.

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

+1. CC to MR.P.BALAN Advocate SR.No.15585

ORDER

IN

CRL OP(MD) No.14446 of 2018

Date :14/08/2018

PK/VR/SAR-1/21.08.2018 : 3P/6C