



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20284 of 2018

1 DAVID @ RAJA
2 SAIMAN @ SANKAR
3 ESUDOSS @ IMANUVEL
4 KARIKALAN

... PETITIONERS/ACCUSED No.1,2,3 & 6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT
CRIME NO.276/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.M.KARUNAKARAN, 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 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 327, 427, 506(ii) and 307 of IPC in Cr.No.276 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are neighbours. Due to some land dispute, on 26.10.2018, the petitioners and others in a small scuffle between them, abused the defacto complainant with filthy language and threatened him with dire consequences and assaulted him with wooden log. Hence, the complaint.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. One of the accused/A7 has been arrested and released on bail.

4. The learned Government Advocate (Crl. Side) would submit that the injured person in this case has been discharged from the hospital.



5. Taking into consideration the facts of the case, this Court 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, Papanasam, Thanjavur 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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/-
15/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT



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

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

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

+1. CC to MR.K.M.KARUNAKARAN, Advocate SR.No.21583

ORDER

IN

CRL OP(MD) No.20284 of 2018

Date :15/11/2018

TM

PK/PN/SAR-2/20.11.2018 : 3P/6C