



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

Monday, the Nineteenth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20615 of 2018

1.ANANDH
2.RAJESH
3.KARTHIK PANDI
4.MARUDHU @CHINNA MARUDHU PANDI
5.SOUNDER
6.SELVA
7.BASKAR

... PETITIONERS / ACCUSED NO.4 TO 8, 10 AND 12

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.187 OF 2018)

... RESPONDENT

For Petitioners : Mr.R.PRAKASH Advocate

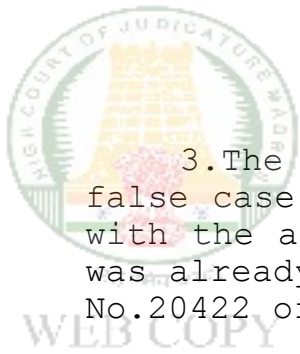
For Respondent : Mr.M.ASHOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.4 to 8, 10 and 12, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 323, 324 and 506(ii) of IPC in Cr.No.187 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners belongs to Hindu Scheduled Caste Pallar Community and the defacto complainant belongs to Hindu Muthuraiyar community. On 04.11.2018, there was a wordy quarrel between the defacto complainant and some other persons. In continuation, on 06.11.2018, the petitioners along with some other persons went to the defacto complainant's house with deadly weapons. The petitioners identified the defacto complainant and assaulted him along with other accused persons by using wooden logs and bottles.



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. He would further submit that co-accused was already granted anticipatory bail by this Court in CrI.O.P.(MD). No.20422 of 2018, dated 15.11.2018.

4.The learned Government Advocate (CrI. Side) submitted that the petitioners are similarly placed as that of the petitioner in CrI.O.P.(MD).No.20422 of 2018 and the injured person in this case has been discharged from the hospital.

5.Taking into consideration the facts of the case and the fact that no one is taking treatment in the hospital as inpatient, this Court inclined to grant anticipatory bail to the petitioner.

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 No.II, Madurai, on condition that each of the 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 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 4.00 p.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/-
19/11/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to Mr.R.PRAKASH Advocate SR.No.21745.

ORDER
IN
CRL OP(MD) No.20615 of 2018
Date :19/11/2018

RAM/JC/SAR 2/22.11.2018/3P/6C