



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.20703 of 2018**

1 K. SELVAM  
2 KARUPPASAMY  
3 PARVATHI

... PETITIONER /ACCUSED RANK NOT KNOWN

Vs

STATE REP BY  
THE INSPECTOR OF POLICE  
NALATTINPUDUR POLICE STATION,  
TUTICORIN DISTRICT.  
IN CRIME NO. 244 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.BASKARMATHURAM, Advocate  
for M/S.MATHURAM LAW ASSOCIATES

For Respondent : MR.K.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 offences punishable under Sections 294(b), 323, 506(i) IPC, in Crime No.244 of 2018, seek anticipatory bail.

2.The case of the prosecution is that there was an wordy quarrel between the petitioner and the defacto complainant with regard to take water from the public water pump, at that time, the petitioner threatened the defacto complainant with dire consequences.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence. He further submitted that the petitioners had preferred a complaint against the defacto complainant, which has been registered in Crime No.245 of 2018, for the offence under Sections 294(b) and 323 IPC, since it is a case in counter case.



4. The learned Government Advocate (Crl.side) for the respondent police submitted that the injured has been discharged from the hospital on 19.11.2018.

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 No.1, Kovilpatti, Tuticorin 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 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/-  
22/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO I  
KOVILPATTI, TUTICORIN DISTRICT

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
TUTICORIN DISTRICT



3 THE INSPECTOR OF POLICE  
NALATTINPUDUR POLICE STATION, TUTICORIN DT.,

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

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+1. CC to MR.MATHURAM LAW ASSOCIATES Advocate SR.No.21920

ORDER

IN

CRL OP (MD) No.20703 of 2018

Date :22/11/2018

MSI/VR-MMS/SAR-I/27.11.2018-3P/6C