



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.20723 of 2018

1.RAJA RAJAN
2 SUBRAMANIAN
3 SANGAIAH
4 MUTHURAMALINGAM
5 PITCHIAH
6 ESAKIPANDIAN
7 SEGUKANNU
8 SATHIC ALI
9 SAHUL HAMEED @ JAMEED
10 MAJITH @ PORKALAI

... PETITIONERS / ACCUSED 1 TO 10

Vs

THE INSPECTOR OF POLICE,
ATCHANPUDHUR POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO. 299 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.VELRAJAN Advocate

For Respondent : MR.M.ASOKAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 506(ii) IPC in Crime No.299 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are belonging to the same political party and they were conducted new membership admission campaign, where the dispute arose and the petitioners are said to have assaulted the defacto complainant.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have nothing to do with the alleged offence.



4. The learned Government Advocate (Crl.side) would submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsel on either side and that the injured has been discharged from the hospital, 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, Shenkottai 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 respondent police or the police officer who intends to arrest or 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 am 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/-
22/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
SHENKOTTAI, TIRUNELVELI DISTRICT.



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
ATCHANPUDHUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MR.S.VELRAJAN Advocate SR.No.21951

ORDER
IN
CRL OP(MD) No.20723 of 2018
Date :22/11/2018

AE/PN/SAR1/28.11.2018/3P/6C