



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20856 of 2018

1.G. NALLUSAMY,
2 G. AYYAPPAN,
3 V. DHARMAR,
4 V. MURUGAN,
5 P. KUMAR,
6 S. RAMAR THEVAR, ... PETITIONER / ACCUSED Nos.1,2,5,6,8 & 9

Vs

STATE THROUGH BY
THE SUB INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION,
RAJAPALAYAM TALUK,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.341 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.S.AMIRTHARAJ Advocate

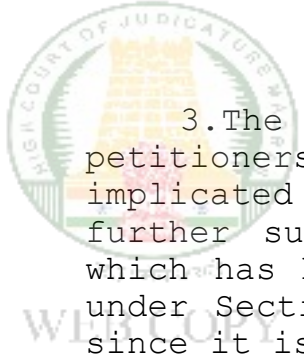
For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341 and 506(ii) IPC, in Crime No.341 of 2018, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute with regard to rent of JCB. On 23.09.2018, the petitioner had rented out the son of the defacto complainant, due to which, there was a wordy quarrel and thereafter, the defacto complainant's son along with his friends had attacked the petitioner and had ransacked the brick-kiln of the petitioner, in which, they damaged bus and two wheeler and caused severe injury to the first petitioner who had three stitches on his head. Aggrieved by the same, the petitioners had attacked the defacto complainant's son with aruval and wooden log and were taken treatment in the hospital. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The learned counsel for the petitioners further submitted that the petitioners had preferred a complaint which has been registered in Crime No.340 of 2018, for the offence under Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) of IPC, since it is a counter case.

4.The learned Government Advocate (Crl.side) for the respondent police submitted that the investigation is pending.

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, Rajapalayam, 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.

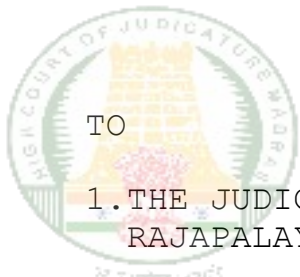
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
26/11/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE SUB INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION,
RAJAPALAYAM TALUK,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR.L.PRABHU, Advocate SR.No.22101

ORDER
IN
CRL OP (MD) No.20856 of 2018
Date :26/11/2018

AE/JC/SAR4/30.11.2018/3P/6C