



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21025 of 2018

1 S.RAJAN PRABAKARAN
2 S.TAMILMARAN

... PETITIONERS / ACCUSED
(ACCUSED NAMES-NOT MENTIONED IN FIR)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
NARIKUDI,
VIRUDHUNAGAR DISTRICT.
CRIME NO.169/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.P.MANOKARAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

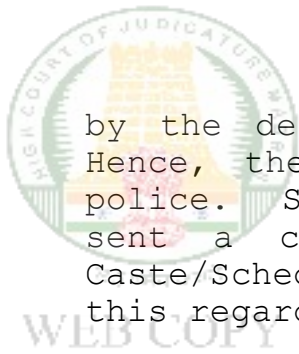
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Cr.No.169 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant facilitating water from the Kanmai of Isali Village to his goats, the petitioners came there and trying to take bath in that kanmai. When they were advised by the defacto complainant to take bath in the pool nearby the kanmai and asking address of the petitioners, the petitioners attacked the defacto complainant with bottles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution. Originally, when the petitioners went to the kanmai for taking bath the defacto complainant resisted them by mentioning their community. Due to which wordy quarrel arose between them, the first petitioner stabbed



by the defacto complainant and sustained injuries in his chest. Hence, the petitioners lodged a complaint before the respondent police. Since they refused to take the complaint, the petitioners sent a complaint to the National Commissioner for Scheduled Caste/Scheduled Tribes. Till now no case has been registered in this regard.

4.The learned Government Advocate (Crl. Side) submitted that the defacto complainant was taking treatment in the hospital from 17.11.2018 to 23.11.2018 and discharged from the hospital.

5.Taking into consideration the facts of the case and the fact that the injured person 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, Aruppukottai, 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/-

27/11/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
NARIKUDI, VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.MANOKARAN Advocate SR.No.22184

ORDER
IN
CRL OP (MD) No.21025 of 2018
Date :27/11/2018

MS/VR-MMS/SAR-2/28.11.2018/3P.6C