



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21109 of 2018

1.VELUSAMY
2.MUTHUGOPAL

... PETITIONERS/ ACCUSED
No.1 and 2

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
SRIVILLIPUTHUR TALUK,
VIRUDHUNAGAR DISTRICT.
Crime No.219/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.JEGADEESAN Advocate

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

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

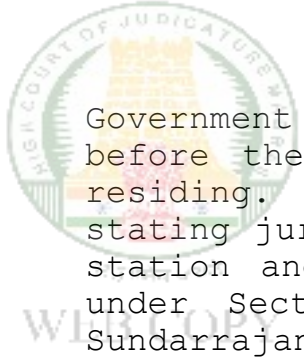
ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(i) IPC in Crime No.219 of 2018, seek anticipatory bail.

2.The petitioners are agriculturist. The defacto complainant was working in Guru Blue Metal, which is situated at Duraisampuram Village nearby the petitioners' garden. The same is causing lot of air and dust pollution, thereby, affecting agricultural activities of the petitioners. When it was questioned by the petitioners, the owner of the company along with ten others had assaulted the petitioners herein. The first petitioner was referred to Government Hospital, Sivakasi. Thereafter, since he sustained serious injury, he was referred to Madurai Government Hospital.

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

3.According to the learned counsel for the petitioners, the first petitioner is still taking treatment as inpatient at Madurai



Government Hospital. Thereafter, the petitioners lodged a complaint before the Malliputhur Police Station, where the petitioners are residing. The respondent police refused to entertain the complaint stating jurisdiction and thereafter, it was sent to Maraneri Police station and the complaint was registered in Crime No.220 of 2018 under Sections 294(b), 323, 324 and 506(ii) IPC. For which, Sundarrajan Naicker the owner of the company made his employee / a driver, one Mariselvam to lodge a complaint against the petitioners as the petitioners had assaulted the defacto complainant herein, his owners and others. Further submitted that the petitioners have been assaulted and they are attempted to evit the defacto complainant's company by saying that it is causing great damage to the crops of the petitioners and killing their agriculture activities.

4.The learned counsel for the petitioners submits that the defacto complainant and his owner having power, even when the first petitioner is taking treatment as in patient in the Government Hospital, they have able to get anticipatory bail before the Court below in C.M.P.No.4882 of 2018, stating that the first petitioner has been discharged from the hospital by suppressing the truth.

5.Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

6.Considering the nature of the offence and submission made by the parties, 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, Sivakasi, on condition that 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:

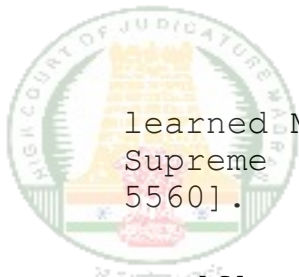
[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
28/11/2018

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTATE,
SIVAKASI.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTOOR.
 - 3.THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
SRIVILLIPUTHUR TALUK,
VIRUDHUNAGAR DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.JEGADEESAN Advocate SR.No.22340

ORDER
IN
CRL OP(MD) No.21109 of 2018
Date :28/11/2018

TK/PN/SAR-2/04.12.2018/3P/6C