

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19542 of 2018

1 MUNIAPPAN
2 MADHU
3 VENKATESAN
4 NAGARAJ
5 KALPANA
6 KRISHNAMMAL
7 M.MUNIAMMAL
8 J.KAVITHA
9 M.BHUVANA

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
MELCHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.469 OF 2018

[RESPONDENT]

For Petitioner : M/S.R.EZHILARASAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 148, 294(b), 323, 324, 427 & 307 of IPC in Crime No.469 of 2018 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner and the defacto complainant are neighbours and already there was a family dispute between them and the same was settled by the village elders. Due to this, the petitioners have joined together and had attacked the defacto complainant and abused with filthy language. Hence, the defacto complainant lodged a complaint against the petitioners and a case has been registered against them.

4. The learned counsel for the petitioners would submit that the petitioners are no way connected to the offence and he has been falsely implicated in this case and and hence, the petitioners may

be granted anticipatory bail.

5.The learned Additional Public Prosecutor would submit that, there was a wordy quarrel between the petitioners and the defacto complainant. Due to the previous enmity, the petitioners have attacked the defacto complainant and had caused injuries. He further submitted that the injured has been discharged from the hospital.

6.Taking into consideration, the nature of allegation against the petitioners and also that the injured has been discharged from the hospital and no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Principle District Munsif-cum-Judicial Magistrate Court, Chengam, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate/Court within a period of 15 days, this order shall stand automatically cancelled.

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners 1 to 4 shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders. The petitioners 5 to 9 shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
24/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT MUNSIF-
JUDICIAL MAGISTRATE, CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MELCHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.EZHILARASAN Advocate on payment of necessary charges in SR.NO. 15865

सत्यमेव जयते

CRL OP.19542/2018

Date :24/08/2018

MLT-29/08/2018

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