



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21348 of 2018

1 R.PAPPA@BABBA  
2 R.ESWARAN  
3 R.MUNEESWARAN

... PETITIONERS / ACCUSED, A1, A2 AND A3  
Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
POOVANTHI POLICE STATION,  
SIVAGANGAI DISTRICT.  
(CRIME NO.149/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.J.ANIMESH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. 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, 448 and 506(i) of IPC and Section 4 of TNPHW Act, in Cr.No.149 of 2018 seeks anticipatory bail.

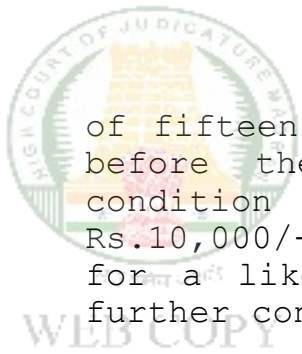
2. The case of the prosecution is that on 05.11.2018, there was a quarrel arose between the petitioners and the defacto complainant's family. On that quarrel, the petitioners assaulted the defacto complainant and his family members. Hence, the complaint.

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.

4.The learned Government Advocate (Crl. Side) submitted that the petitioners and the defacto complainant are neighbours and the injuries caused by the petitioners are simple injuries.

5.Taking into consideration the facts of the case and the fact that the injuries are simple in nature, 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 No.II, Sivagangai, 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/-

05/12/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
  - 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
  - 3 THE INSPECTOR OF POLICE  
POOVANTHI POLICE STATION, SIVAGANGAI DISTRICT.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.J.ANIMESH Advocate SR.No.22894  
PS/JC/SAR-3/11/12/2018/2P/6C

ORDER

IN

CRL OP (MD) No.21348 of 2018

Date : 05/12/2018