



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

Thursday, the Twentieth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22068 of 2018

1 MAIDEEN KADAR
2 BALU
3 SUBRAMANI

... PETITIONERS / ACCUSED NO.1,3 & 4

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME.NO.298/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.S.ANNADURAI 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/Accused 1, 3 & 4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 342, 323, 353 & 506(ii) I.P.C in Crime No.298 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 07.12.2018, the accused persons cut down 'Kadai' and it was questioned by the defacto complainant, who is working in the Forest Department. Hence, the accused persons abused him by using filthy language and manhandled him. Moreover, the accused persons made a severe life threat to the defacto complainant with dire consequences.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that there are no previous cases as against the petitioners and investigation is going on.



5. Considering the above submissions, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Ilayankudi 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 learned Magistrate concerned and 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 daily at 10.00 a.m for a period of two weeks and thereafter 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/-
20/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ILAYANKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to Mr.S.JEYAKARTHIK Advocate SR.No.23801

PS/CR/SAR-4/27.12.2018/3P/6C

ORDER

IN

CRL OP(MD) No.22068 of 2018

Date :20/12/2018