



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

Monday, the Tenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21798 of 2018

1. ARUMUGAM
2. SATHISHKUMAR
3. THAMARAI

... PETITIONERS / ACCUSED NO. 1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.142/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.KALIMUTHU 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 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC, in Crime No.142 of 2018, seek anticipatory bail.

2.The case of the prosecution is that first petitioner's son was murdered by the defacto complainant's family members during January 2018, for which the defacto complainant was attacked by the petitioners and he sustained injuries on his thigh.

3.The learned counsel for the petitioners would submit that the petitioners were already granted anticipatory bail in Crl.O.P (MD) No.18938 of 2018 on 08.11.2018, since the petitioners did not execute sureties within the stipulated time, this petition has been filed.

4.The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in



Crl.O.P(MD) No.18938 of 2018 on 08.11.2018

5. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

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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 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 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 between 05.00 p.m and 06.00 p.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]**. and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/12/2018

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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. DO THRO' THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
 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.P.KALIMUTHU Advocate SR.No.23158

ORDER
IN
CRL OP(MD) No.21798 of 2018
Date :10/12/2018

AAV
MK/PN-AC/SAR 1/12.12.2018/3P/6C