



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

Friday, the Ninth day of November Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19002 of 2018

1.THIIYAGARAJAN
2.SUBBU @ SUBRAMANI
3.RAMU
4.REVATHI

... PETITIONERS / ACCUSED 1 TO 4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO. 229 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.MURALIKUMAR 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 / A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC., in Crime No.229 of 2018, seek anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners abused the defacto complainant in filthy language and also threatened him with dire consequences.

3. The learned counsel appearing for the petitioners would submit that there was a wordy quarrel between the petitioners and the defacto complainant, who are cultivating in the adjacent land. Due to which, there was a scuffle. He also submitted that the petitioners have also given a complaint against the defacto complainant, which was registered on the file of the respondent Police, in Crime No.230 of 2018, for the offences under Sections 294 (b), 323, 506(i) of IPC., and Section 4 of Women Harassment Act.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that it is a case of case in counter. The injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsels, 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, Devakottai, 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 learned Magistrate concerned and on further condition that;

[a] if the petitioners failed 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/-

09/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to Mr.A.MURALIKUMAR Advocate SR.No.21471.

ORDER

IN

CRL OP(MD) No.19002 of 2018

Date : 09/11/2018