



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20223 of 2018

1 BALAKUMAR @ BALAKUMARAN
2 ESWARAN @ LAKSHMANAKUMAR
3 KARTHIK @ KARTHIGAIAKUMARAN
4 VELMURUGAN
5 VIJAYAMOORTHY

... PETITIONERS / ACCUSED 1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ELANJAMBUR POLICE STATION,
RAMNAD DISTRICT.
IN CRIME NO. 49 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.VENKATESH Advocate

For Respondent : M/S.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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.49 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were drinking liquor in a village road. When the same was questioned by the defacto complainant, the petitioners assaulted the defacto complainant with liquor bottle on his head and the defacto complainant sustained injury.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence.



4. The learned counsel for the petitioners seeks permission of this Court to withdraw this criminal original petition in respect of the fifth petitioner, since the petitioner is a juvenile. He has also made an endorsement to that effect.

5. The learned Government Advocate (Crl.side) for the respondent police submitted that the injured has been discharged from the hospital on 09.11.2018.

6. In view of the above, this criminal original petition is dismissed as withdrawn in respect of the fifth petitioner.

7. 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 1 to 4.

8. Accordingly, the petitioners 1 to 4 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, Mudukulathur, 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 daily at 10.30 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/-
13/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
MUDUKULATHUR.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
ELANJAMBUR POLICE STATION, RAMNAD DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No. 21440

ORDER
IN
CRL OP(MD) No.20223 of 2018
Date :13/11/2018

JM/MMS/SAR 1/14.11.2018/3P/6C