



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22050 of 2018

1 KANNAN
2 KARPAGAVALLI
3 CHANDRASEKAR

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

1 STATE REP. BY
THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
MUDUKULATHUR TALUK.
RAMANATHAPURAM DISTRICT.
IN CRIME NO. 147 OF 2018

... RESPONDENT/COMPLAINANT

2 V. MURUGESAN

... RESPONDENT / DEFACTO COMPLAINANT

For Petitioners : MR.M.MUNIYASAMY Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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 alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Cr.No.147 of 2018 seek anticipatory bail.

2. The case of the prosecution is that due to dispute regarding common pathway, the petitioners abused the defacto complainant, assaulted him and threatened with dire consequences.

3. The learned counsel for the petitioners would submit that it is a case in counter and on the complaint given by the petitioners, the case was also registered against the de-facto complainant. He would further submit that the injured has also been discharged from the hospital.



4. The learned Additional Public Prosecutor would submit that due to dispute regarding common pathway, case and counter case have been lodged by the respective parties. He would further submit that the injured had been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital, this Court 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, before the learned Judicial Magistrate, Mudhukulathur 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/-

13/12/2018

/ 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,
MUDUKULATHUR POLICE STATION,
MUDUKULATHUR TALUK, RAMANATHAPURAM DISTRICT.



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

WEB COPY

ORDER

IN

CRL OP (MD) No.22050 of 2018

Date :13/12/2018

JM/JC/SAR 1/18.12.2018/3P/5C