



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

Monday, the Seventeenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22227 of 2018

1 RATHIKA
2 POOMARI
3 MARIAMMAL
4 MANI

... PETITIONERS / ACCUSED 1,2,3,4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
(CRIME NO.179/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.M.VIGNESHKUMAR, 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/accused 1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 355, 506(i) I.P.C in Crime No.179 of 2018, seek anticipatory bail.

2. The case of the prosecution is that due to money dispute, the petitioners beaten the defacto complainant by using slippers and scolded him by using filthy language and also made life threat to him.

3. The contention of the petitioners is that they are innocent and they had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured has been discharged from the hospital and investigation is going on.

5.At this stage, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition



in respect of the 4th petitioner alone, since he is not an accused. He has also made an endorsement to that effect. Recording the same, this petition is dismissed as withdrawn insofar as the 4th petitioner is concerned.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3, with certain conditions:-

7. Accordingly, the petitioners 1 to 3 are ordered to be released on bail in the event of arrest or on their appearance before the learned District Munsif cum Judicial Magistrate, Rameswaram, Ramanathapuram District and on their executing 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 1 to 3 failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners 1 to 3 shall report before the respondent Police as and when required for interrogation.

[c] the petitioners 1 to 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1 to 3 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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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/-
17/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.BALAMURUGAPANDI Advocate SR.No.23479

ORDER
IN
CRL OP (MD) No.22227 of 2018
Date :17/12/2018

MS/PN-AC/SAR-4/24.12.2018/3P.6C