



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20315 of 2018

1 DHARMENTHIRAN
2 PRAMOTH KUMAR
3 REVATHI
4 GOWSALYA
5 PRIYANKA

... PETITIONERS/ ACCUSED No. 1 to 5

Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(IN CRIME NO.275/2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.K.NAVANEETHARAJA 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 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.275 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 06.11.2018, the petitioner attacked the defacto complainant by wooden stick with regard to bursting of crackers, due to which, the defacto complainant sustained injuries.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have preferred a complaint against the defacto complainant and others, which was registered in Crime No.274 of 2018 for the offence



under Sections 147, 148, 294(b), 323, 324 and 302 IPC, since it is a counter case and the respondent police foisted a false case against these petitioners. Hence, he prays for anticipatory bail.

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

5. Taking into consideration the facts of the case, this Court is 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Elayangudi, 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, 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/-
14/11/2018

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE NO I
ELAYANGUDI, SIVAGANGAI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to MR.K.NAVANEETHARAJA Advocate SR.No.21489

ORDER
IN
CRL OP(MD) No.20315 of 2018
Date :14/11/2018

MSI/RR/SAR-II/20.11.2018-3P/6C