



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20200 of 2018

1 P.KANNADASAN
2 S.PRABHAKARAN
3 S.DHIVAGAR

... PETITIONERS/ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
CR NO.157/2018,
RAMANATHAPURAM DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioners : MR.R.SEVUGARAJA, Advocate

For Respondent : MR.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 / A2 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) IPC., in Crime No.157 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 06.11.2018, when the defacto complainant celebrating Diwali, the accused persons attacked him and caused injury.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any of such offence, as alleged by the prosecution.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instruction, would submit that due to some dispute between the petitioner and the accused, the accused attacked the defacto complainant and caused injuries. The injured has been discharged from the hospital.



5. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, 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, Thiruvadanai, Ramanathapuram District, on condition that the petitioners shall execute each a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, daily at 10.00 a.m., until further orders, 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,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3 THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

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+1. CC to MR.R.SEVUGARAJA, Advocate SR.No.21580

ORDER

IN

CRL OP (MD) No.20200 of 2018

Date :13/11/2018

MPK

PK/JC/SAR-4/15.11.2018 : 3P/6C