



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.20295 of 2018

1 KANNIMUTHU
2 SATHIYAKUMAR
3 SATHISH KUMAR @ SELVA ... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
TUTICORIN DISTRICT.
IN CRIME NO. 250 OF 2018 ... RESPONDENT / COMPLAINANT

For Petitioners : MR.V.MALAIYENDRAN 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 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 342, 324 and 506(ii) of IPC, in Crime No.250 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On 06.11.2018, the petitioners bursted some crackers in front of the defacto complainant's house, due to which, a wordy quarrel arose and there was a fight between them.

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. He further submitted that the petitioners have preferred a complaint against the defacto complainant, which has been registered in Crime No.251 of 2018 for the offence under Sections 294, 323, 427 and 506(i) IPC, since it is a counter case.



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, Thiruchendur, 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/-
13/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUCHENDUR.

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



3 THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.21450

ORDER
IN
CRL OP(MD) No.20295 of 2018
Date :13/11/2018

JM/MMS/SAR 2/16.11.2018/3P/6C