



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20322 of 2018

1.DHAVAMANI

2 PASUPATHI

... PETITIONERS / ACCUSED Nos.7& 8

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SINGAMPUNARI TALUK,
SIVAGANGAI DISTRICT.
(CRIME NO.116/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mrs.DR.K.MALATHI 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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC and r/w 4 of TNPWH Act, 2012, in Crime No.116 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner attacked the servant of the defacto complainant with regard to theft of chickens from the chick farm house of the defacto complainant and assaulted. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor 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, Thiruppathur, 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/-
26/11/2018

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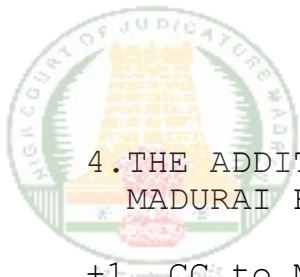
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SINGAMPUNARI TALUK, SIVAGANGAI DISTRICT.



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

+1. CC to Mrs.DR.K.MALATHI Advocate SR.No.22065

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ORDER

IN

CRL OP (MD) No.20322 of 2018

Date :26/11/2018

AE/JC/SAR4/30.11.2018/3P/6C