



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

Friday, the Twenty First day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22689 of 2018

1 MOORTHY@KRISHNAMOORTHY
2 ELUMALAI
3 ANGAMUTHU
4 CHINNAKALAI
5 JEYA
6 SATHYA
7 MEKALA

... PETITIONERS / ACCUSED NO.3,5 TO 10

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.258/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.JEYAKUMARAN, 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 petitioner/Accused Nos.3, 5 to 10, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 506(2) I.P.C in Crime No.258 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, due to a previous dispute, the petitioners abused defacto complainant and his family members with hands and sticks.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he had nothing with the alleged crime. Hence, anticipatory bail may be granted to him.



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

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5.Considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Manaparai, Trichy District and on his 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 petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of two weeks, thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
21/12/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE,
MANAPPARAI,
TRICHY DISTRICT.

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

3 THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.23950

ORDER
IN
CRL OP(MD) No.22689 of 2018
Date :21/12/2018

AMS/PN-AC/S-3/28.12.2018/3P/6C