



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

Monday, the Twenty Sixth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20590 of 2018

1.ANNADURAI
2.VIJAYA
3.LAKSHMI

... PETITIONER / ACCUSED NO.1, 3 & 4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PUTHANATHAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. 148 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.GOPALAMANIKANDAN Advocate

For Respondent : Mr.M.ASHOKAN, 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 294(b), 323, 324 and 506(ii) IPC in Crime No.148 of 2018, seek anticipatory bail.

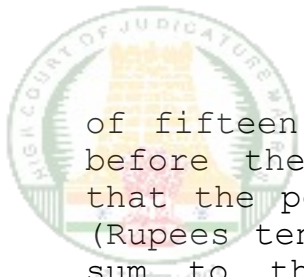
2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On 11.11.2018, there was scuffle between them with regard to sharing of water in the well, due to which, both of them sustained injuries.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He further submitted that the petitioner has preferred a complaint against the defacto complainant which has been registered in Crime No.149 of 2018 for the offence under Sections 294(b), 323, 324, 355 and 506(ii), 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, Manapparai, 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

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

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

+1. CC to Mr.S.GOPALAMANIKANDAN Advocate SR.No.22171.

ORDER

IN

CRL OP(MD) No.20590 of 2018

Date : 26/11/2018