



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20716 of 2018

1 SHANMUGAM
2 GOPAL
3 MANI@MUTHUMANI
4 SATHISH

... PETITIONERS / ACCUSED No. 1,2,4,5

Vs

THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT
(CRIME NO.433 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.SATHYA CHIDAMBARAM Advocate

For Respondent : MR.M.ASOKAN Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC in Crime No.433 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are said to have drove the vehicle in rash and negligent manner and the same was questioned by the defacto complainant. Therefore, wordy quarrel arose between them.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have nothing to do with the alleged offence. He sought permission of this Court to withdraw this petition as far as the second petitioner is concerned. He has also made an endorsement to that effect.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.side) would submit that the injured has been discharged from the hospital.



5. In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as withdrawn as far as the second petitioner is concerned. Taking into consideration the facts of the case and the submissions by learned counsel on either side and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner Nos. 1, 3 & 4.

6. Accordingly, the petitioner Nos. 1, 3 & 4 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, Karaikudi, Sivagangai District on condition that the petitioner Nos. 1, 3 & 4 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner Nos. 1, 3 & 4 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner Nos. 1, 3 & 4 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner Nos. 1, 3 & 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner Nos. 1, 3 & 4 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 Nos. 1, 3 & 4 in accordance with law as if the conditions have been imposed and the petitioner Nos. 1, 3 & 4 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/-
22/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI, SIVAGANGAI DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT



3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT

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

+1. CC to MR.S.SATHYA CHIDAMBARAM Advocate SR.No.21972

ORDER
IN
CRL OP(MD) No.20716 of 2018
Date :22/11/2018

MSI/PN/SAR-II/28.11.2018-3P/6C