



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

Friday, the Twenty Third day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20819 of 2018

1 SHANMUGA KUTTI
2 MUTHUSAMY
3 AASAITHAMBI
4 SHANMUGARAJ

... PETITIONER/ ACCUSED No. 1 to 4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.109 of 2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.M.PRABU 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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC, in Crime No.109 of 2018, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, on 11.11.2018, the petitioners abused the defacto complainant and attacked him with stone and also threatened him with dire consequences. Hence, a case has been registered by the respondent police.

3.The learned counsel for the petitioners would submit that the petitioners are innocent, they have not committed any offence as alleged by the prosecution and prayed for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital.

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

5.Taking into consideration the facts of the case and the



submissions made by learned counsel on either side, 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, Sankarankovil 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 appear 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/-
23/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
SANKARANKOVIL, TIRIUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE
AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT



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

+1. CC to MR.M.PRABU Advocate SR.No.21983

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ORDER

IN

CRL OP(MD) No.20819 of 2018

Date :23/11/2018

MSI/VR-MMS/SAR-I/26.11.2018-3P/6C