



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21023 of 2018

1 NAGARAJ
2 MURUGAN
3 SATHYA
4 KANNAN
5 SARASU @ SAROJA DEVI ... PETITIONERS / ACCUSED NO.1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.124/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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 147, 294(b), 323 and 506(ii) IPC and Section 4 of TNPHW Act, in Crime No. 124 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours and they are residing in the same village. On 18.11.2018, when the defacto complainant was standing in the occurrence place, a wordy quarrel arose between them and the petitioner attacked the defacto complainant with hands and caused life threat to him with dire consequences. 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. He further submitted that the petitioners have preferred a complaint before the respondent police, which has



been registered in Crime No.123 of 2018 for the offence under Sections 147, 294(b), 448, 323, 506(i) and Section 4 of TNPHW Act, 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, Paramakudi, 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/-

27/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH THE CHIEF
<https://hcservices.ecourts.gov.in/hcservices/>
JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.



3 THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No. 22218

ORDER
IN
CRL OP(MD) No.21023 of 2018
Date :27/11/2018

JM/JC/SAR 1/04.12.2018/3P/6C