



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

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21178 of 2018

1. CHINNASAMY

2. CHANDRAN

... PETITIONERS / ACCUSED NO.1 &2

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SEDAIPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.196/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MAHENDRAPATHY Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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, 148, 341, 324 and 506(ii) IPC, in Crime No.196 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On 15.11.2018, due to previous enmity, while the defacto complainant sitting in the house, the accused persons trespassed into the house and attacked him with wooden log. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they have nothing to do with the alleged occurrence. He further submitted that the other accused A3 to A5 granted anticipatory bail by the Principal District Judge, Madurai in Crl.M.P.No.5713 of 2018 on 22.11.2018.

4.The learned Additional Public Prosecutor for the respondent police 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 by learned counsels, 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, Peraiyur, Madurai District, 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 daily at 10.30 a.m. until further orders.

[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/-
29/11/2018

/ TRUE COPY /

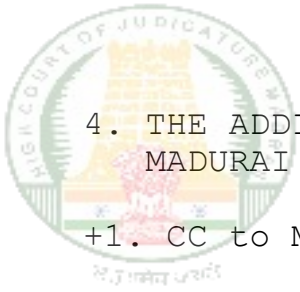
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT

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

3. THE INSPECTOR OF POLICE,
SEDAIPATTI POLICE STATION,
MADURAI DISTRICT.



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

+1. CC to MR.S.MAHENDRAPATHY Advocate SR.No.22494

WEB COPY

ORDER

IN

CRL OP(MD) No.21178 of 2018

Date :29/11/2018

MK/JC/SAR 2/05.12.2018/2P/6C