



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

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21228 of 2018

1 ESAKKI
2 CHITHIRAIVEL
3 RAMASUBBU

... PETITIONERS / ACCUSED No. 2 to 4

Vs

THE STATE, REP. BY
INSPECTOR OF POLICE
THALAVOIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.404 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.SANKAR 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 :-

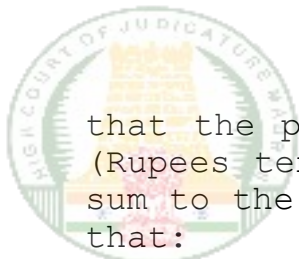
The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 109, 294(b), 324 and 506(ii) of IPC, in Crime No.404 of 2018, seek anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioners are innocent persons and that they have not committed any offence as alleged by the defacto complainant. He would further submit that due to the previous enmity between the first petitioner and the defacto complainant, the petitioners were wrongly implicated in the present case.

3.The learned Government Advocate would submit that this is a case in counter and that the injured has discharged from the hospital.

4.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.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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]**.

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

sd/-
30/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
THALAVOIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.K.SANKAR Advocate SR.No.22501

ORDER
IN
CRL OP(MD) No.21228 of 2018
Date :30/11/2018