

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.4254 of 2019

1 P.KALIDASS
2 K.SABARINATHAN
3 K.DIVAKARAN
4 R.SURENDHARAN
5 R.JAGATHEESH

[PETITIONERS / ACCUSED]

Vs

THE STATE REPRESENTED BY [RESPONDENT]
INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
KORADACHERRY, THIRUVARUR DISTRICT.
CR.NO.47 OF 2019.

For Petitioner : M/S.K.DILIPRAJA Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners/Accused 1 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 325 and 506(ii) IPC in Crime No.47 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a business rivalry which lead to an altercation between the parties resulting in the registration of two FIRs against both sides in Crime No.47 of 2019 and Crime No.48 of 2019 and both the cases are under investigation.

3. The learned Additional Public Prosecutor submitted that the defacto complainant has already been discharged from the hospital and A1 and A2 are still admitted and are taking treatment.

4. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to these petitioners with certain conditions. 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 on which the order copy made

ready, before the learned Judicial Magistrate, Thiruvavarur on

condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees five 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Monday at 10.30am for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 in accordance with law as if the conditions have been imposed and the petitioner 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
KORADACHERRY, THIRUVARUR DISTRICT.

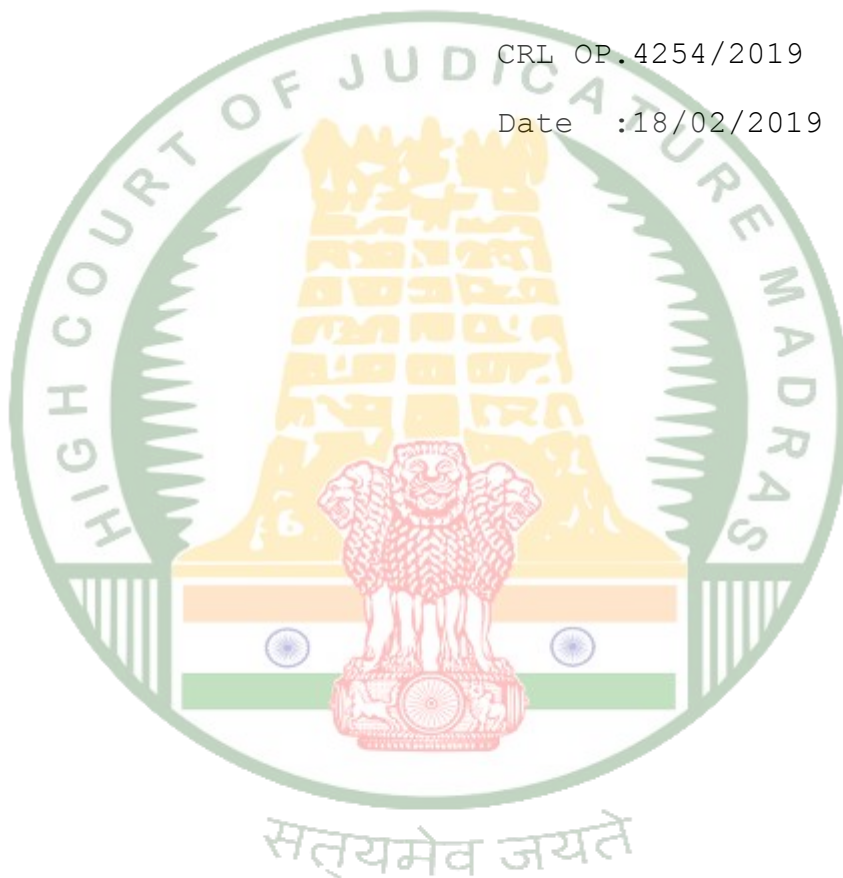
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.DILIPRAJA Advocate on payment of necessary
charges in SR.NO. 3500

CRL OP.4254/2019

Date :18/02/2019

MLT-20/02/2019



WEB COPY