

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.4093 of 2019

1 MANICKAM
2 SIVAKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
THIRUVARUR DISTRICT
CR.NO.111 OF 2018.

[RESPONDENT]

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners/A3 & A4, who 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.111 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons had a previous enmity with the defacto complainant regarding a land dispute and they all gathered together and abused the defacto complainant in filthy language and attacked him with stones. The present petitioners are A3 and A4.

3. The learned Additional Public Prosecutor submitted that A1 & A2 have already arrested and released on bail and the defacto complainant has already been discharged from the hospital.

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, Thiruthuraipoondi 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

[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, 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, सत्यमेव जयते
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
THIRUVARUR DISTRICT

+1 CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges SR.NO. 3568

CRL OP.4093/2019

Date :18/02/2019

RD 20/02/2019

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