

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.11062 of 2019

1 DEVENTHIRAN
2 RAJIV
3 MANDHIRIKUMAR

[PETITIONER / ACCUSED]

vs

THE STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
VETTAIKKARANIRUPPU POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO.31 OF 2019.

For Petitioner : M/S.GREETHA SENTHILKUMAR 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, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294 (b), 323 and 506 (ii) of IPC, in Crime No.31 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 30.03.2019 due to a wordy quarrel, the petitioners abused the defacto complainant with filthy language and attacked him.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to Civil dispute between them. She would also further submit that the victim has been discharged from the hospital.

4. The learned Additional Public Prosecutor submitted that the petitioners are A1, A3 and A4. Due to wordy quarrel, the petitioners have abused the defacto complainant with filthy language and attacked him and the victim has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory 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 District Munsiff Cum Judicial Magistrate, Vedharanyam, on condition that each of the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) 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 said Magistrate, on further conditions that:

[a] the petitioners 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/04/2019

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 DISTRICT MUNSIFF CUM JUDICIAL MAGISTRATE,
VEDHARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

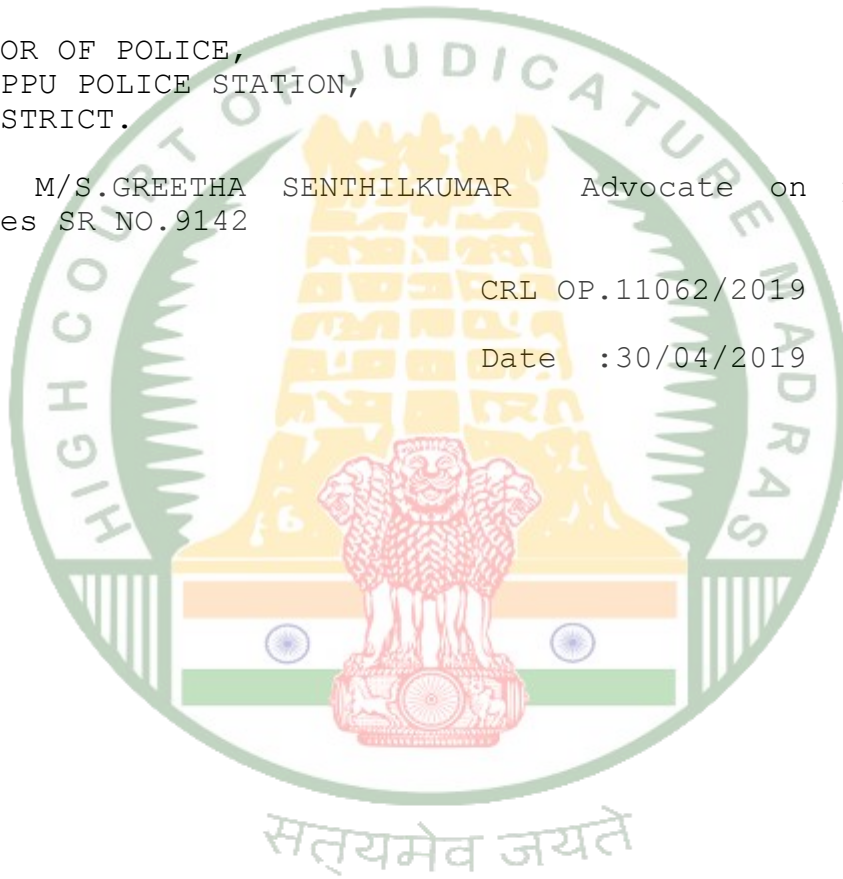
4 THE INSPECTOR OF POLICE,
VETTAIKKARANIRUPPU POLICE STATION,
NAGAPATTINAM DISTRICT.

+1CC to M/S.GREETHA SENTHILKUMAR Advocate on payment of
necessary charges SR NO.9142

CRL OP.11062/2019

Date :30/04/2019

MK:08/05/2019



WEB COPY