



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1600 of 2019

1 P. JEGANATHAN @ JEGAN
2 N. PANDIARAJ
3 P. VINOTHKUMAR
4 R. KATHIRESAN
5 G. RAJA
6 K. PANDIAMMAL
7 R. SARAVANADEVI
8 P. DHANABACKKIAM
9 R. BHUVANEESWARI
10 S. DHAVAMANI

... PETITIONERS / ACCUSED No.1 to 10

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.8 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SUBASH BABU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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, 294(b), 323, 324, 448 and 506(ii) of I.P.C in Crime No.8 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners said to have trespassed into defacto complainant's house and assaulted the defacto complainant and his family members and caused injuries.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) would submit that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, 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, before the learned Judicial Magistrate, Thirumangalam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioners shall appear before the respondent police as and when required for interrogation.

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

[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/-

31/01/2019

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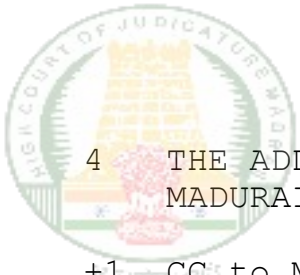
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.



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

+1. CC to MR.M.SUBASH BABU Advocate SR.No.2091

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ORDER

IN

CRL OP(MD) No.1600 of 2019

Date :31/01/2019

MSI/JC/SAR-III/08.02.2019-3P/6C