



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

Monday, the Fourth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1792 of 2019

1.VELANKANNI,
2 VINOTHKUMAR,

... PETITIONERS / A1 & A2

Vs

THE INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.6 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.K.MANICKAM Advocate

For Respondent : MR.A.ROBINSON,
Government Advocate (Crl. Side)

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

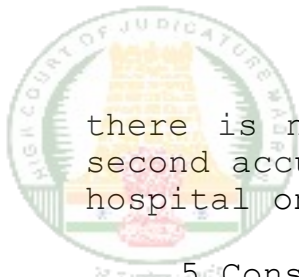
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) I.P.C. in Cr.No.6 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to previous enmity, on 27.01.2019 at about 08.00 p.m., the defacto complainant was having dinner along with his son, son-in-law and brother-in-law in front of his home. At that time, the petitioners herein / accused Nos.1 and 2 came there and scolded them with filthy language and attacked the son and son-in-law of the defacto complainant. Thereby, the Law Enforcing Agency has registered the case.

3.The learned counsel appearing for the petitioners would submit that due to previous enmity, this false case has been foisted against the petitioners and the petitioners did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that there are two previous cases pending against the first petitioner herein / first accused and



there is no previous case pending against the second petitioner / second accused and the injured persons have been discharged from the hospital on 02.02.2019.

5. Considering the facts and circumstances of the case and also the fact that the injured persons have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily twice i.e., at 10.30 a.m., and 5.30 p.m., for a period of one week and thereafter, daily once i.e., at 10.30 a.m., for a period of one week and thereafter, 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR

3. THE INSPECTOR OF POLICE,
A. MUKKULAM POLICE STATION.,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR. A. K. MANICKAM Advocate SR.No.2262

ORDER

IN

CRL OP (MD) No.1792 of 2019

Date : 04/02/2019

AE/PN/SAR2/08.02.2019/3P/6C