



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

Tuesday, the Fifth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP (MD) No.1888 of 2019

1 NIRANJAN
2 DR.PERIYASAMY
3 VANATHI
4 DR.T.VIVEKANANDAR

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
UPPILIYAPURAM POLICE STATION,
TRICHY.
IN CRIME NO.21/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.T.RAMASAMY, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

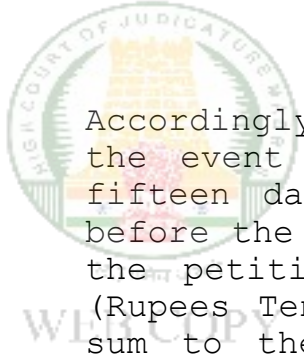
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 355 and 506(i) IPC in Cr.No.21 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the first petitioner was running a grocery shop in the defacto complainant's premises. There was some dispute between them. In this regard, the first petitioner filed a suit and the same is pending before the concerned Court. The act of the first petitioner was questioned by the defacto complainant, the petitioners abused him in filthy language and assaulted the defacto complainant. Hence, the defacto complainant lodged a complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor (Crl.side), on instructions, would submit no one injured in the occurrence.

5.Considering the facts and circumstances of the case, 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, Thuraiyur, 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 1, 2 and 4 shall report before the respondent police daily at 10.30 am., until further orders. The third petitioner shall report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
UPPILIYAPURAM POLICE STATION, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.MUTHUMALAI, Advocate SR.No.2388

ORDER IN

CRL OP(MD) No.1888 of 2019

Date : 05/02/2019