



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

Thursday, the Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2003 of 2019

1 AZHAGAR
2 CHANDRA
3 AZHAGUTHURAI
4 NIVAS PANDI
5 MANOJ KUMAR
6 CHELLAPANDI
7 AJITH KUMAR
8 VELMURUGAN

... PETITIONERS / ACCUSED 1-3 & 5-9

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
APPANTHIRUPATHI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.22/2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.SIVASUBRAMANIAN 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 147, 148, 294(b), 324, 506(2) IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act, in Cr.No.22 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners and the defacto complainant assaulted each other, for which case and counter case were registered as against the petitioners as well as the defacto complainant.

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



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit it is a case and case in counter and that injured has already been discharged from the hospital. He would further submit that investigation is pending.

3. Considering the facts and circumstances of the case and also considering the fact that injured has already 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 No. V, Madurai, 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 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 at 10.30 p.m., until further orders;

(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/-

07/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO. V,
MADURAI.

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



3 THE SUB INSPECTOR OF POLICE,
APPAN THIRUPATHI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.A.SIVASUBRAMANIAN Advocate SR.No. 2604

ORDER
IN
CRL OP (MD) No.2003 of 2019
Date :07/02/2019

JM/VR/SAR 2/12.02.2019/3P/6C