



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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2154 of 2019

1 KANAGARAJ
2 SEKAR

... PETITIONERS/ACCUSED No.5 & 6

Vs

THE STATE REP.BY ITS.,
THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO.245/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.JAYAKARTHIK, 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 offences under Section 147, 148, 294(b), 323, 324, 427 & 506(ii) of IPC and Section 4 of TN Prohibition of Harassment of Woman Act, 2002, in Cr.No.245 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners assaulted the defacto complainant, abused him in filthy language and threatened him with dire consequences and moreover they damaged the mobile phone of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation has been completed and the charge sheet has been filed before the concerned Judicial Magistrate Court and the same was taken on file as C.C.No.4 of 2019 by the Judicial Magistrate.



5. Considering the facts and circumstances of this case, 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, Elayangudi, 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 trial Court for each and every hearing date;

(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/-
11/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ELAYANGUDI, SIVAGANGAI DISTRICT

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT



3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to MR.S.JEYAKARTHIK, Advocate SR.No.2907

ORDER

IN

CRL OP(MD) No.2154 of 2019

Date :11/02/2019

TM

PK/PN/SAR-1/15.02.2019 : 3P/6C