



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2183 of 2019

1 R.VASANTH @ VALLIAPPAN
2 S.SARAVANAN
3 RAJESH
4 MUKILAN

... PETITIONERS/ACCUSED No.1 to 4

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
THIRUKOSHTIYUR POLICE STATION,
SIVAGANGAI DISTRICT
(CR.NO.16/2019)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.BHARATHY KANNAN, Advocate

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

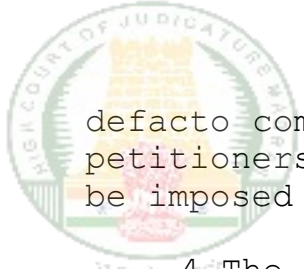
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 448, 336, 324 and 427 IPC in Cr.No.16 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, the petitioners attacked the defacto complainant and damaged the door of the defacto complainant's house, for which, a case has been registered by the respondent police.

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. Further, he on instructions submitted that without prejudice to his right, the petitioners are ready to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Cr.No.16 of 2019 and the same may be disbursed to the



defacto complainant. The learned counsel further contended that the petitioners are ready to abide by any of the conditions that are to be imposed by this Court.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured person has been discharged from the hospital. If the petitioner is ready to deposit the amount of Rs.2,000/-, this Court may consider the anticipatory bail application filed by the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the injured person has 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, Thiruppathur, 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 at 10.30 a.m., until further orders;

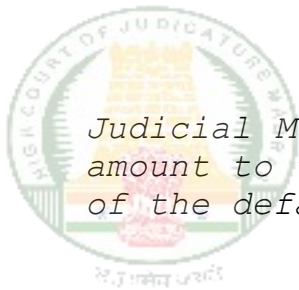
(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC;

<https://hcservices.ecourts.gov.in/hcservices/>
 (g) the petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) for damaging the door of the defacto complainant's house to the credit of Cr.No.16 of 2019. The learned



Judicial Magistrate, Thiruppathur, is directed to disburse the said amount to the defacto complainant after having verified the identity of the defacto complainant;

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sd/-
12/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPATHUR,
SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUKOSHTIYUR POLICE STATION,
SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/SR.BHARATHY KANNAN Advocate SR.No.2926

ORDER
IN
CRL OP(MD) No.2183 of 2019
Date :12/02/2019

MM

PK/PN/SAR-1/18.02.2019 : 3P/6C