



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2243 of 2019

1 J.GOWTHAM
2 R.BHAGAT SINGH
3 S.VIJI @ VIJAY
4 M.THIURPATHI
5 M.PRASATH
6 M.AJITHPANDI

... PETITIONERS / ACCUSED NO.1 TO 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
OOMACHIKULAM POLICE STATION,
MADURAI.
CRIME NO.36 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.K.S.DURAI PANDIAN Advocate

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

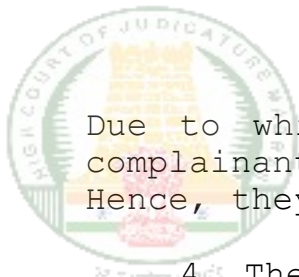
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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), 323, 324 and 506(i) I.P.C. in Cr.No.36 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners attacked the defacto complainant. For which, the defacto complainant sustained injury. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that the defacto complainant's relative attacked the first petitioner with iron rod and theft out the two sovereign gold jewel. In this regard, the first petitioner lodged a complainant before the respondent police and the same was registered in Crime No.34 of 2019 for the offence under Sections 147, 148, 294(b), 341, 324, 427, 506(ii) and 379 IPC.



Due to which, the present false complaint lodged by the defacto complainant against the petitioners and this is a case in counter. Hence, they pray anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured person discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the injured person 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners Nos.1 to 4 shall report before the respondent police as and when required for interrogation and the petitioners No.5 and 6 shall report before the respondent police daily at 10.30 am., 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 petitioner 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/-

13/02/2019

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



TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
OOMACHIKULAM POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.S.DURAI PANDIAN, Advocate SR.No.3060

ORDER

IN

CRL OP (MD) No.2243 of 2019

Date :13/02/2019

MS/PN/SAR-3/14.02.2019/3P.6C