



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2315 of 2019

1 KANNAN @ CHITRAI KANNAN
2 KARMEGAM
3 RAMACHANDRAN
4 SELVI
5 SUNDARRAJ
6 MUTHU

... PETITIONERS / ACCUSED NO.1,3 TO 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.31/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.I.SABEER MOHAMED, 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 are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Cr.No.31 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to some dispute, the petitioners jointly attacked the defacto complainant and also issued life threat to the defacto complainant and thereby, the defacto complainant sustained injuries and hence, the defacto complainant lodged a complaint before the respondent police.

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. He would further submit that A2 in this case was arrested and released on bail by the lower court and hence, he would pray for anticipatory bail to the petitioners.



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

5.Considering the facts and circumstances of the case and considering the fact that the co-accused was arrested and released on bail by the lower Court and that injured has already been discharged, this Court is inclined to grant anticipatory bail to the petitioners.

6.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, Vadipatti, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two common sureties 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 Nos.1, 2, 3 and 5 shall report before the respondent police daily at 10.30 p.m., until further orders and the petitioners Nos.4 and 6 shall report before the respondent police as and when required;

(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/-

14/02/2019

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



TO

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

+1. CC to Mr.I.SABEER MOHAMED Advocate SR.No.3110

ORDER
IN
CRL OP (MD) No.2315 of 2019
Date :14/02/2019

MS/PN/SAR-4/19.02.2019/3P.6C