WEB COPY

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

Monday, the Eighteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2477 of 2019

1 CHELLADURAI
2 SELVAKUMAR
R.S.MANGALAM TALUK ... PETITIONERS/ACCUSED 1 & 3

Vs

THE SUB INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 29/2019 ... RESPONDENT/COMPLAINANT

For Petitioners : MR.L.PRABHU, 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 341, 294 (b), 324 and 506(ii) IPC in Cr.No.29 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that without getting permission from the defacto complainant, the petitioners cut down the tree, which is owned by the defacto complainant and the same was questioned by the defacto complainant and that the petitioners assaulted the defacto complainant with stone and caused injuries. 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 and they are innocent person.

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

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

WEB COPY

5.Considering the facts and circumstances of the case and considering the fact that the injured person 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, Thiruvadanai, Ramanathapuram District, 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/-
18/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANTHAPURAM DISTRICT.

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

WEB COPY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE SUB INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.L.PRABHU, Advocate SR.No.3218

ORDER
IN
CRL OP(MD) No.2477 of 2019
Date :18/02/2019

GNS
PK/JC/SAR-1/22.02.2019 : 3P/6C

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