



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

Monday, the Eighteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2492 of 2019

1 MURUGAN

2 MEENAKSHI SUNDARAM

... PETITIONERS / ACCUSED NOS.2 & 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

SALAIGRAMAM POLICE STATION,

SIVAGANGAI DISTRICT.

CRIME NO.13/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.N.ANADAKUMAR, 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 294(b), 353, 506(ii) IPC and Section 3 of TNPPDL Act, in Cr.No.13 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that during the Manjuvirattu festival, the defacto complainant was give banthopasth duty and that there was some law and order problem arose, for which the Police personnel used it force in order to control the people and the same was questioned by the petitioners and they have assaulted the defacto complainant, who is Constable of Police and damaged the Police car, worth about Rs.2,000/-. 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 persons. However, on instructions, he would submit that the petitioners are ready and willing to deposit the alleged amount of Rs.2,000/- in the account of Inspector of Police, Ilayankudi, without prejudice their defence before the Court below.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that no one injured in the occurrence, however, anticipatory bail may grant by imposing stringent conditions.

5.Considering the facts and circumstances and considering the fact that no one injured in the occurrence and that the petitioners are ready to deposit a sum of Rs.2,000/-, 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 District Munsif Cum Judicial Magistrate Court, Ilaiyankudi, 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 jointly deposit a sum of Rs.2,000/- in the account of Inspector of Police, Ilayankudi and produce proof the copy of the payment along with surities;

(b)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;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

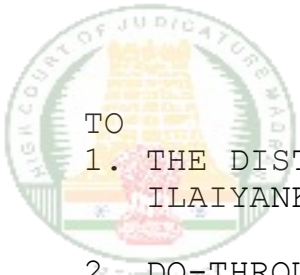
(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/02/2019

/ TRUE COPY /

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



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILAIYANKUDI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
ILAYANKUDI.

+1. CC to Mr.N.ANADAKUMAR Advocate SR.No.3300

ORDER

IN

CRL OP(MD) No.2492 of 2019

Date :18/02/2019

MS/PN/SAR-3/20.02.2019/3P.7C