



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

Friday, the First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.3157 and 3158 of 2019

SATHISH

... PETITIONER / ACCUSED
RANK NOT KNOWN
IN CRL OP(MD)NO.3157/2019

1 PATCHI RAJAN
2 ESWARAN @ ESSWARAVEL
3 MAHENDRAN
4 AZHAGESAN
5 ANDAPERUMAL @ AHANDAL

... PETITIONERS / ACCUSED
RANK NOT KNOWN
IN CRL OP(MD)NO.3158/2019

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
CENTRAL RESERVE POLICE,
TRICHY HAVING OFFICE AT TENKASI,
RAILWAY POLICE STATION,
TENKASI.
IN CRIME NO.2/2019

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : Mr.S.KRISHNAN, Advocate
IN CRL OP(MD)NO.3157/2019

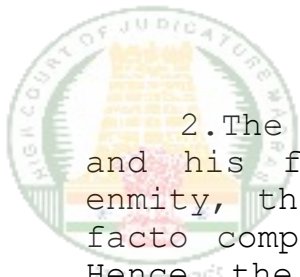
: Mr.A.MURALIKUMAR, Advocate
IN CRL OP(MD)NO.3158/2019

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)
IN BOTH THE PETITIONS

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 147, 148, 341, 294(b), 324 and 506(ii) of IPC, in Cr.No.2 of 2019 on the file of the respondent police, respectively, seek anticipatory bail.



2.The case of the prosecution is that the de-facto complainant and his friend Balagan are College students. Due to previous enmity, the petitioners and other accused persons attacked the de-facto complainant and his friend, thereby they sustained injuries. Hence, the complaint.

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3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit the two injured persons in this case have been discharged from the hospital. He would further submit that the petitioners earlier anticipatory bail application in Crl.O.P.(MD). No.221 of 2019 was dismissed by this Court on 12.02.2019.

5.Considering the facts and circumstances of this case and also considering the fact that two injured persons in this case have 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, Tenkasi, 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**



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

sd/-

01/03/2019

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

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
CENTRAL RESERVE POLICE,
TRICHY HAVING OFFICE AT TENKASI,
RAILWAY POLICE STATION,
TENKASI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.KRISHNAN Advocate SR.No.4213
+1CC TO Mr.A.MURALIKUMAR, Advocate, Sr No.4214

ORDER IN
CRL OP(MD) Nos.3157 and 3158 of 2019
Date :01/03/2019

MS/VR/SAR-2/13.03.2019/3P.7C