



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.329 of 2019

1 DURAIPANDI
2 PANJAMMAL
3 AANAIAAMBALAM @ SAMY
4 ELAMMAL
5 VELLAISAMY
6 MAGESHWARI
7 SURESH @ SURESHKUMAR
8 PONNUPANDI @ PONNUPANDIAN ... PETITIONERS/ ACCUSED No. 1 to 8

Vs

STATE REP. THROUGH
THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 829 OF 2018 ... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.BALAKRISHNAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (CrI. Side)

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

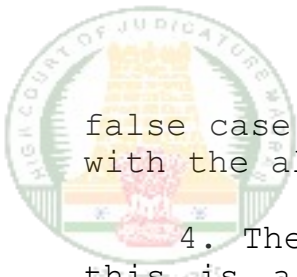
ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 323, 324, 506(ii) IPC r/w Section 4 of the TNPWH Act, 2002, in Crime No.829 of 2018, seek anticipatory bail.

2. The case of the prosecution is that there was a family quarrel between the family members of the defacto complainant and the petitioners. On 29.12.2018, at about 06.00 p.m., when the defacto complainant and his wife were in their house, the petitioners were said to have attacked the defacto complainant and his wife also. Hence, the complaint.

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

3. The learned counsel for the petitioners would submit that a



false case has been foisted against them and they have nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.side) would submit that this is a case in counter case and further, he submit that the injured persons have been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and that the injured persons have been discharged from the hospital, this Court 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, Melur, Madurai District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two common sureties separately for the petitioners 1 to 4 and also for the petitioners 5 to 8, 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 said Magistrate, on further conditions that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
MELUR, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to MR.M.BALAKRISHNAN Advocate SR.No.601

ORDER
IN
CRL OP(MD) No.329 of 2019
Date :09/01/2019

MSI/PN/SAR-II/22.01.2019-3P/6C