



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

Wednesday, the Sixth day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3403 of 2019

1 MANIMARAN

2 C.MUTHIYA

3 JAYARAMAN

4 P.CHANDRU@CHANDRAN

... PETITIONERS / ACCUSED 1 TO 4

Vs

THE STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.37/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P.MANIKANDAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate

(Crl. Side)

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

ORDER : The Court Made the following order :-

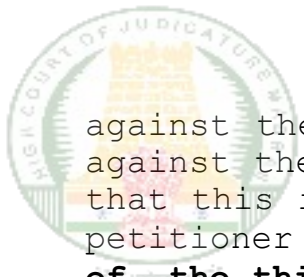
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 324, and 307 of IPC in Crime No. 37 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to election dispute the petitioners waylaid the defacto complainant, abused him, assaulted him with aruval and threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and hence he prayed for anticipatory bail.

4. The learned Government Advocate(Crl.Side) appearing for the state would submit that injured has been discharged from the hospital. He would also submit that three previous cases are pending against the petitioner under Sections 302 of IPC and Arms Act.

5. Taking into consideration the fact and circumstances of the case and also the fact that the injured has been discharged from the hospital and the fact that the no allegations are levelled



against the petitioners 1,2 and 4 and that there are cases pending against the third petitioner, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the third petitioner and **accordingly, this petition is dismissed in respect of the third petitioner.**

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7. As regards the petitioners 1,2 and 4 they are no cases pending against them and that the injured has been discharged from the hospital, this Court is of the view that, some indulgence can be shown to them and therefore, this Court is inclined to grant anticipatory bail to petitioners 1,2 and 4.

8. Accordingly, the petitioners 1,2 and 4 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 No.II, Viruthunagar District on condition that the petitioners 1,2 and 4 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 1,2 and 4 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 1,2 and 4 shall appear before the respondent police as and when required for interrogation.

[c] the petitioners 1,2 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1,2 and 4 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 1,2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1,2 and 4 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.

9. As regard the third petitioner, this petition is dismissed.

sd/-

06/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-II,
VIRUDHUNAGAR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTUR.

3 THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.P.MANIKANDAN Advocate SR.No.4349

PS/JC/SAR-4/08.03.2019/3P/6C

ORDER

IN

CRL OP(MD) No.3403 of 2019

Date :06/03/2019