



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

Wednesday, the Ninth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.341 of 2019

1 MUNIAPPAN
2 MANIKANDAN

... PETITIONERS / ACCUSED NO.1 & 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.609/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.JAYARAMACHANDRAN 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 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 353, 294(b), 506(i) and 147 of IPC, in Cr.No.609 of 2018 seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant the Sub Inspector of Police, Tallakulam Police Station, Madurai, along with the police officials went to Tennampatti at Dindigul District to apprehend one Ayyappan who is an absconding accused in Crime No.1901 of 2018, the petitioners along with 15 other persons restrained them from discharging their duty, abused them in filthy language and issued life threat. At that time, the Sub Inspector of Police, Vadamadurai intervened and rescued them and registered the case.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged crime. The learned counsel further submits that the Iyappan is the brother of the second petitioner herein. Hence, they only enquired about the case pending against him.



4.The learned Government Advocate (Crl. Side) submits that the petitioners are hail from the same village and they were in drunken mood.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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, Vendasandur, 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 said Magistrate, on further condition 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 Inspector of Police, Tallakulam Police Station, Madurai, twice on daily at 10.30 a.m. and 5.30 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]**.

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

sd/-

09/01/2019

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

TO

1 THE JUDICIAL MAGISTRATE, VEDASANDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

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

4 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.



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

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JM/VR/SAR 4/22.01.2019/3P/6C

ORDER

IN

CRL OP (MD) No.341 of 2019

Date :09/01/2019