



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3772 of 2019

1 MANGALESWARAN
2 KUMAR @ AJITH KUMAR
3 VIKRAM

... PETITIONERS / ACCUSED 1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CHATHIRAKUDI POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
CRIME NO.23/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.RAJESHWARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

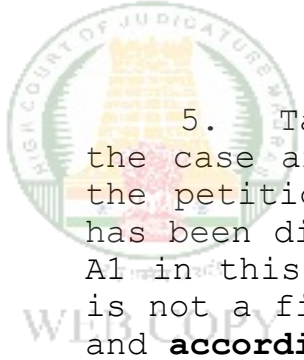
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323,324 and 506(ii) of IPC in Crime No. 23 of 2019 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that due to temple festival the petitioners and the defacto complainant assaulted each other, for which case and counter case were registered as against the petitioners as well as the defacto complainant.

3. The learned counsel for the petitioners would submit that the first petitioner was arrested and remanded to judicial custody. He would also submit that the petitioners have not committed any offence as alleged by the prosecution and they are innocent and hence he prayed for anticipatory bail.

4. The learned Government Advocate(Crl.side) appearing for the respondent police would submit it is a case and case in counter. He would further submit that injured has been discharged from the hospital. He would also submit that A1 in this case was arrested and remanded to judicial custody.



5. Taking into consideration the fact and circumstances of the case and the fact that the no allegations are levelled against the petitioners 2 and 3 and considering the fact that the injured has been discharged from the hospital, and considering the fact that A1 in this case was arrested and remanded to judicial custody this is not a fit case to grant anticipatory bail to the first petitioner and **accordingly, this petition is dismissed in respect of the first petitioner.**

6. As regards the petitioners 2 & 3 they are no cases pending against the petitioner, 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 2 & 3.

7. Accordingly, the petitioners 2 & 3 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 Paramakudi, Ramanathapuram District on condition that the petitioners 2 to 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 2 & 3 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 2 & 3 shall appear before the respondent police daily at 10.30 a.m until further orders;

[c] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 & 3 shall not abscond either during investigation or trial.

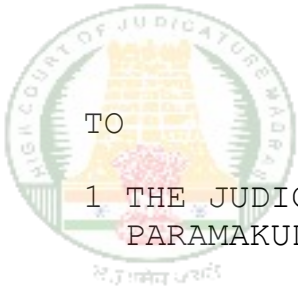
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 released on bail by the learned Magistrate/Trial Court himself 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/-
12/03/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
CHATHIRAKUDI POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No. 4749

ORDER

IN

CRL OP (MD) No.3772 of 2019

Date :12/03/2019

JM/JC/SAR 1/14.03.2019/3P/6C