



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.39 of 2019

1.MEKARAJA
2 MOKKADURAI
3 AMBIGA
4 JEYAMANI
5 ASOTHA

... PETITIONERS / ACCUSED 1 TO 5

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
(IN CRIME NO.359/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.SUNDARAPANDIAN 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 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 342, 294(b), 324, 323 and 506(ii) of IPC and Section 4 of TNPHW Act in Cr.No.359 of 2018 seek anticipatory bail.

2. The case of the prosecution is that due to some dispute, the petitioners along with others abused the defacto complainant, assaulted him and threatened him with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would further submit that the injured has also been discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that the injured had been discharged from the hospital.



5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has 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, before the learned Judicial Magistrate, Uthamapalayam 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 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 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/-
18/01/2019

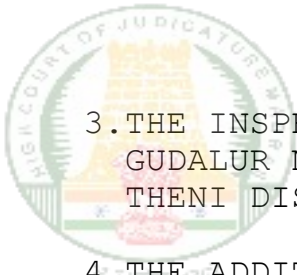
/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT



3. THE INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.

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

+1. CC to MR.S.SUNDARAPANDIAN Advocate SR.No.852

ORDER

IN

CRL OP (MD) No.39 of 2019

Date :18/01/2019

AE/PN/SAR1/23.01.2019/3P/6C