

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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4065 of 2019

1.SUNAMISETHUPATHI @ NAGENDRA SETHUPATHI,
2 MANGALAKUMAR
3 AJITHSUNAMI @ AJITHKUMAR
4 ARUN @ BALAARUNKUMAR ... PETITIONERS / ACCUSED NOS.1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.67/2019) ... RESPONDENT / COMPLAINANT

For Petitioners : MR. T. VEERAKUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR
Additional Public Prosecutor

For Intervenor : MR.B.JEYAKUMAR, Advocate

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 offence under Sections 147,148,294 (b), 341, 324, 307 and 506(ii) of IPC in Cr.No.67 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitiones herein consumed alcohol and due to wordy quarrel regarding parking of vehicle the petitioners along with another person abused the defacto complainant, attacked him deadly weapons and threatened with dire consequences. Hence the complaint

3.The learned counsel appearing for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution. However , the learned counsel on instruction

further submit that they are ready to pay bill for the defacto complainant's treatment at Meenakshi Mission Hospital, Madurai to the tune of Rs.1,38,000/- without prejudice to their rights and contentions.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that if the petitioners are ready to pay the medical bill, anticipatory bail may be considered.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners have come forward to pay bill for the defacto complainant's medical treatment at Meenakshi Mission Hospital, Madurai to the tune of Rs.1,38,000/- , this Court is inclined to grant anticipatory bail to the petitioners. 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 Paramkudi, Ramanathapuram District 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 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 are directed to pay bill for the defacto complainant's treatment at Meenakshi Mission Hospital, Madurai to the tune of Rs.1,38,000/- and on such deposit the learned Magistrate shall accept the sureties. The proof for payment shall be submitted at the time of furnishing sureties.

(b) the petitioners 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; सत्यमेव जयते

(c)the petitioners shall report before the respondent police daily at 10.30 until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/03/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
PARAMKUDI, RAMANATHAPURAM DISTRICT.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr. D.RAMESHKUMAR Advocate SR.No.5426
+1cc to Mr.B.JEYAKUMAR, Advocate in SR.No. 5483

ORDER
IN

CRL OP (MD) No.4065 of 2019
Date :25/03/2019

AE/MMS/SAR-I/27.03.2019/3P/7C