



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.4568 and 5036 of 2019

1.PANDI SELVAM
2 MUTHUKUMAR
3 SENTHIL
4 MANGUDI
5 NAVEEN KUMAR

... PETITIONERS / ACCUSED NO.1 TO 5
IN CRL OP(MD).NO.4568 OF 2019

1.SHIVA KUMAR
2.SHIVASANGAR
3.PANDI PRABAKAR
4.AKASH

... PETITIONERS / ACCUSED NO.6 TO 9
IN CRL OP(MD).NO.5036 OF 2019

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
KUNDRANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NUMBER 48 OF 2019)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.P.KRISHNAVENI Advocate
IN BOTH PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

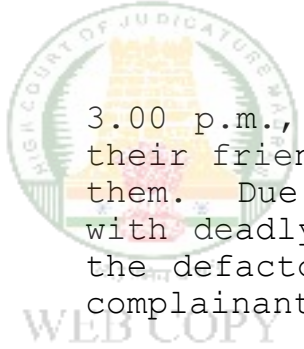
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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), 323, 324, 506(i) and 307 I.P.C, in Crime No.48 of 2019, on the file of the respondent police, seek anticipatory bail.

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

2.The case of the prosecution is that on 24.03.2019 at about



3.00 p.m., while the petitioners and the defacto-complainant with their friends were watching Bull taming, wordy quarrel arose between them. Due to which, the petitioners formed unlawful assembly along with deadly weapons and assaulted the defacto-complainant, thereby, the defacto-complainant sustained injuries. Therefore, the defacto-complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for the anticipatory bail for the petitioners.

4.The learned counsel for the petitioner seeks permission of this Court to withdraw this petition as far as A5 and A7 are concerned and also made an endorsement to that effect.

5.In view of the endorsement made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn

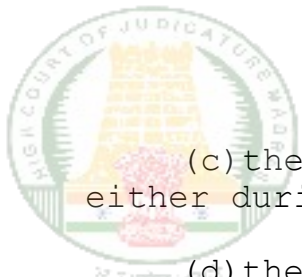
6.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that due to previous enmity between the petitioners and the defacto complainant, the case registered as against the petitioners. He would further submit that the fifth accused has been arrested and remanded to judicial custody and the injured has been discharged from the hospital.

7.Taking into consideration, the nature of allegation against the petitioners (A1 to A4, A6, A8 and A9) and also that the injured person has been discharged from the hospital and that no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

8.Accordingly, the petitioners (A1 to A4, A6, A8 and A9) 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 Judicial Magistrate, Karaikudi 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 (A1 to A4, A6, A8 and A9) and the sureties shall affix their photograph 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 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]**; and;

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

sd/-
08/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI

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

3. THE SUB INSPECTOR OF POLICE,
KUNDRANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+2. CC to M/S.P.KRISHNAVENI Advocate SR.No.6309,6310

ORDER
IN
CRL OP(MD) Nos.4568 and 5036 of 2019
Date : 08/04/2019