



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4596 of 2019

1 SUNIL DHARSAN ALIAS DANIEL
2 ARICHANDRAN

... PETITIONERS/ACCUSED No.1&2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
TUTICORIN DISTRICT,
CRIME NO.50 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.SELVAKUMAR, Advocate

For Respondent : MR.A.ROBINSON, 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 offence under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPWH Act in Cr.No.50 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to wordy quarrel arose between the petitioners and the defacto complainant, the petitioners abused the defacto complainant using filthy language and assaulted him. Thereby, the defacto complainant sustained injuries and was admitted in hospital. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. It is a case in counter and on a complaint given by the petitioners, a case was registered in Cr.No.51 of 2019 against the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that injured has already been discharged from the hospital. However, on a complaint given by the petitioners a case in counter has been registered against the defacto complainant in Cr.No.51 of 2019. He would further submit that investigation is still pending.

5. Considering the facts and circumstances and considering the fact that injured has already been discharged from the hospital, 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, Srivaikundam, Turicorin 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 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 shall report before the respondent police daily at 10.30 a.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]**; and;

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

sd/-
27/03/2019

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM, TUTICORIN DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
TUTICORIN DISTRICT,

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

+1. CC to M/S.S.SELVAKUMAR, Advocate SR.No.5647

ORDER

IN

CRL OP(MD) No.4596 of 2019

Date :27/03/2019

VSG

PK/JC/SAR-2/01.04.2019 : 3P/6C