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

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4663 of 2019

1 PAULRAJ
2 SATHISHKUMAR
3 RISHI BABU KUMAR ... PETITIONERS / ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION, ARUMUGANERI,
THOOTHUKUDI DISTRICT.
(CRIME NO.63/2019) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.N.PRAGALATHAN 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 offence under Sections 294(b), 323,354 and 506(i) of IPC in Cr.No.63 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the defacto complainant son and other were playing near the Santhamariamman Auditorium the petitioners son undressed the defacto complainant's son and taken the nude photos and the same was forwarded to the social media and when the same was questioned by one of the petitioner's son, thereby the petitioners joined together and attacked the defacto complainant. Hence the complaint

3.The learned counsel appearing for the petitioners fairly conceded the mistake done by the petitioners and their childrens. He would also submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioners attacked the defacto complainant's son and investigation is pending.

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5.Considering the facts and circumstances of the case and also considering the fact that injured has 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, Tiruchendur, Thoothukudi District on condition that the petitioner 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 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/-
28/03/2019

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

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TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR,THOOTHUKUDI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION, ARUMUGANERI,
THOOTHUKUDI DISTRICT.

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

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.5749

PS/JC/SAR-4/01.04.2019/3P/6C

ORDER
IN
CRL OP(MD) No.4663 of 2019
Date :28/03/2019

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