



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

Tuesday, the Second day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4608 of 2019

1 AATHMANATHAN,
2 ANNADURAI,
3 INDIRA
4 CHITRA

... PETITIONERS/ ACCUSED NOS.2 TO 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ARANTHANGAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.60/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SILAMBARASAN Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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 offences under Sections 147, 148, 294(b), 323, 324, 341 and 302 of IPC in Crime No.60 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the *de facto* complainant is the brother of the deceased person. On 31.01.2019, when the defacto complainant along with the deceased person were preparing for cultivation of Kanmaikarai Poramboke land, at the time, the petitioner and other accused persons entered into the Kanmaikarai land and attacked the deceased person and other persons with Aruval and wooden log, thereby the deceased and other persons sustained injuries and all the injured persons were taken to the hospital. Thereafter, the deceased person died in the hospital. Hence, the Law Enforcing Agency registered a case 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. In fact, the defacto complainant and other persons encroached the Kanmaikarai Poramboke Land for which there arose a wordy quarrel between them and there was no intention to attack the injured persons. He would also submit that they are innocent persons. Hence, he would pray for anticipatory bail for the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners joined together and attacked the deceased and other persons due to which some of the persons sustained grievous injurious and one person died in the hospital. He would further submit that there is specific overtact against the petitioners 1 and 2. He would further submit that the investigation is almost over.

5.Recording the submission of the learned Additional Public Prosecutor this petition is dismissed in respect of the petitioners 1 and 2.

6.Considering the facts and circumstances of the case, petitioners 3 and 4 are ladies and they were not available in the scene of occurrence, this Court is inclined to grant anticipatory bail to the petitioners 3 and 4. Accordingly, the petitioners 3 and 4 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, Aranthangi, on condition that the petitioners 3 and 4 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 3 and 4 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 3 and 4 shall report before the respondent police daily at 10.30 a.m.,until further orders;

(c)the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 3 and 4 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 3 and 4 in accordance with law as if the



conditions have been imposed and the petitioners 3 and 4 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/-
02/04/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
ARANTHANGI.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ARANTHANGAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.SILAMBARASAN Advocate SR.No.5997

ORDER
IN
CRL OP(MD) No.4608 of 2019
Date :02/04/2019

AE/JC/SAR-III/05.04.2019/3P/6C