

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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4669 of 2019

1 VIJAY
2 RAJAN
3 PRITHIVIRAJ
4 AJAY
5 SUMAN

... PETITIONERS / ACCUSED
No. 1 to 5

Vs

THE INSPECTOR OF POLICE
THODI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT
(CR.NO.41/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.N.PRAGALATHAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
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 147, 294 (b), 323, 341 and 506 (i) of IPC in Cr.No.41 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners and other accused were consuming liquor, the defacto complainant noticed the petitioners and others using torch light. At that time, there was a wordy quarrel arose between them and the petitioners and other accused abused the defacto complainant with filthy language and also assaulted with hands hence, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would 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 injured has been discharged from the hospital. He would further submit that investigation is still pending.

5.Considering the facts and circumstances and considering the fact that the 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 District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District, on condition that the petitioners 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/-
03/04/2019

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF CUM
<https://hcservices.ecourts.gov.in/hcservices/>
JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE
THODI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT

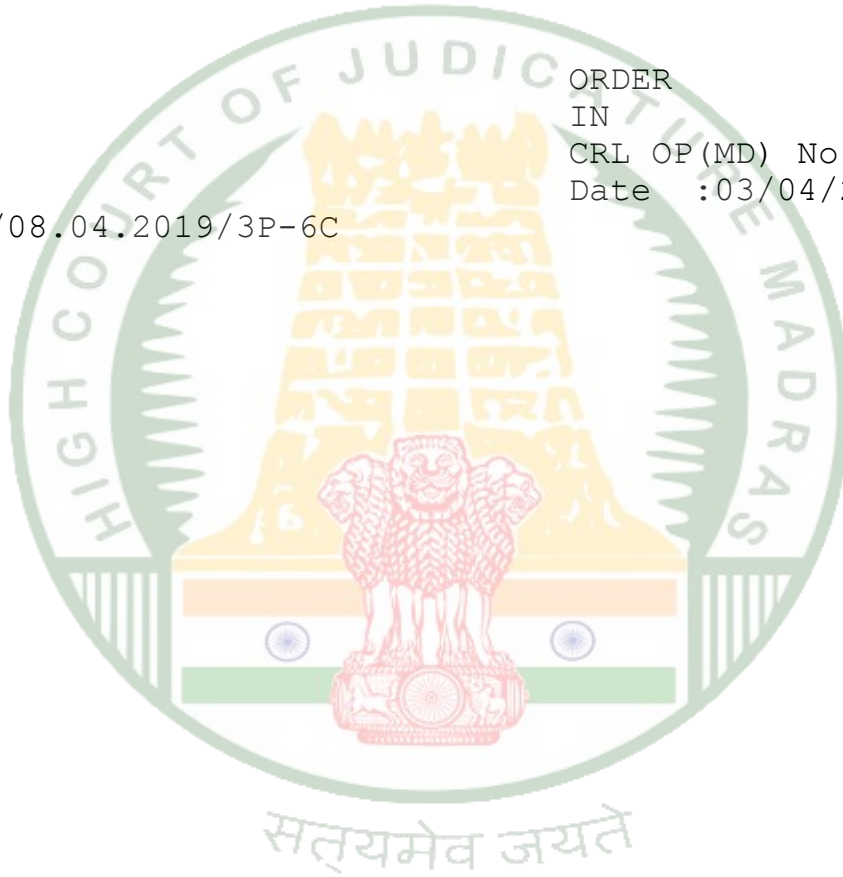
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.6037

MSI/PN/SAR 3/08.04.2019/3P-6C

ORDER
IN

CRL OP(MD) No.4669 of 2019
Date :03/04/2019



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