



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

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.472 of 2019

1.S.SAKTHIVEL  
2.JAYAMANI  
3.SIVAKUMAR  
4.SIVARANJANI  
5.VELMANI  
6.CHELLAPANDIYAMMAL  
7.RAMESH

... PETITIONERS / ACCUSED  
1 to 7

Vs

STATE REPRESENTED BY  
THE SUB INSPECTOR OF POLICE  
RAJATHANAI POLICE STATION,  
THENI DISTRICT.  
Crime No.5 of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.JEYAKUMAR 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 offences punishable under Sections 147, 148, 341, 294(b), 323 and 506(ii) of IPC, in Crime No.5 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute the petitioners along with other have trespassed into the house of the defacto complainant assaulted the family members and threatened them with dire consequences.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence he prayed for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) would submit that the injured has been discharged from the hospital.

5.Taking note of the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Uthamapalayam, Theni 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 (petitioners 1 to 5 common surety and petitioners 6 and 7 common surety), each for a like sum to the satisfaction of the said Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
10/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,  
UTHAMAPALAYAM, THENI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,  
RAJATHANAI POLICE STATION, THENI DISTRICT.

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

+1. CC to Mr. T. JEYAKUMAR Advocate SR.No.566

ORDER

IN

CRL OP (MD) No.472 of 2019

Date : 10/01/2019

TK/VR/SAR-1/23.01.2019/3P/6C