

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.4961 of 2019

1 JEGAN @ JEGANATHAN
2 RAJESWARI
3 SENTHIL @ SENTHILKUMAR
4 A. MALATHI @ BALAMALATHY ... PETITIONERS / ACCUSED
No.1 to 4

Vs

THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMNAD DISTRICT.
Crime No.96 of 2019 ... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.RADHAKRISHNAN 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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294 (b) and 323 of IPC and Section 4 of Women Harassment Act in Crime No.96 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioners abused the defacto complainant using filthy language and also assaulted the defacto complainant with hands. 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 they are innocent persons and due to previous enmity, a false complaint has been given against them. It is a case in counter and on a complaint given by the petitioners, a case was registered 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 been discharged from the hospital. However, on a complaint given by the petitioners a case in counter has been registered against the defacto complainant. He would further submit that investigation is still pending.

5.Considering the facts and circumstances and considering the fact that the injured had 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Ramanathapuram, 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 1 and 3 shall report before the respondent police daily at 10.30 a.m.,until further orders and the petitioners 2 and 4 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/04/2019

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TO

1.THE JUDICIAL MAGISTRATE NO II,
RAMANATHAPURAM.

2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

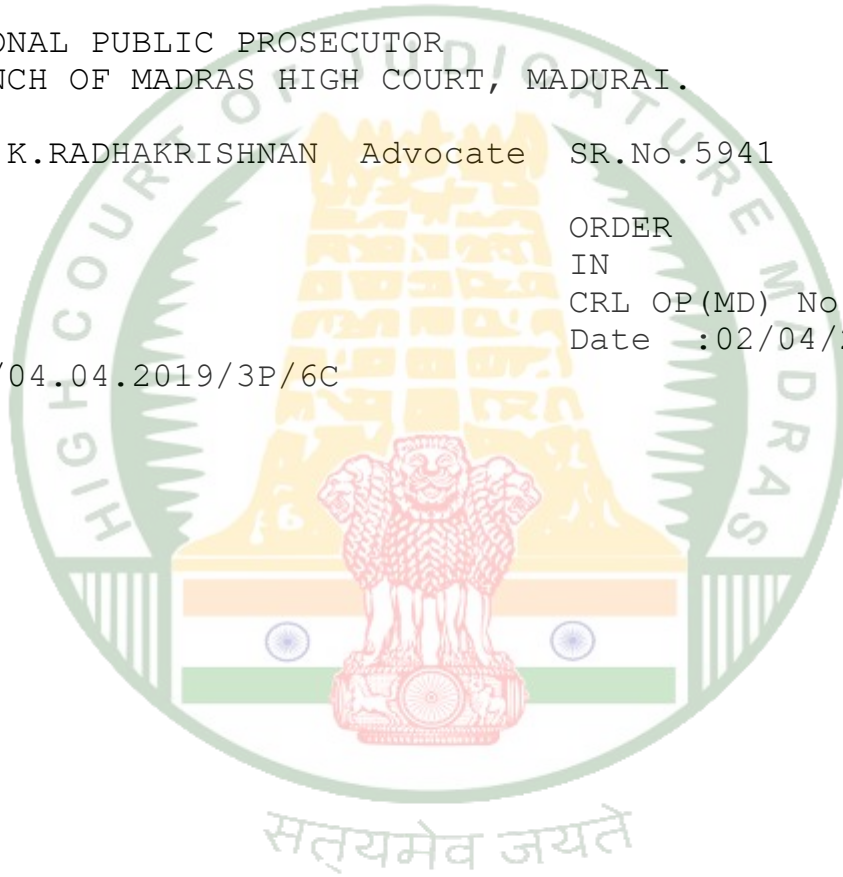
3.THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMNAD DISTRICT.

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

+1. CC to Mr.K.RADHAKRISHNAN Advocate SR.No.5941

ORDER
IN
CRL OP(MD) No.4961 of 2019
Date :02/04/2019

TK/MMS/SAR-2/04.04.2019/3P/6C



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