



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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5056 of 2019

1.SOLAIYAPPAN
2 MANIKANDAN
3 PAKIYALAKSHMI
4 KARUPPAYEE

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PERUNAZHI POLICE STATION,
RAMANATHAPURAM,
(CRIME NO. 24/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.V.NIRMAL KUMAR 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 294(b), 323 and 506(i) of IPC in Crime No.24 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant and his wife crossed the house of the petitioners, the dog try to bite the defacto complainant and his wife and when the same was questioned by the defacto complainant. Thereafter, the petitioners and others abused the defacto complainant using filthy language and also assaulted him with hands. Thereby, the defacto complainant sustained injuries. Hence, the present complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners 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 first petitioner, a case was registered against the defacto complainant in Crime No.23 of 2019. 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 first petitioner a case in counter has been registered against the defacto complainant in Crime No.23 of 2019. 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 learned Judicial Magistrate, Kamuthi, Ramanathapuram 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 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/-

12/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
PERUNAZHI POLICE STATION,
RAMANATHAPURAM.

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

+1. CC to MR.V.NIRMAL KUMAR Advocate SR.No.6819

ORDER

IN

CRL OP (MD) No.5056 of 2019

Date :12/04/2019

AE/JC/SAR-II/22.04.2019/3P/6C