

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.5068 of 2019

1 SELVAM
2 NAGARAJAN
3 PAPPU
4 MALAR @ MALARKODI ... PETITIONERS / ACCUSED 1-4

Vs

THE SUB INSPECTOR OF POLICE,
S.V.MANGALAM POLICE STATION,
SINGAMPUNARI TALUK,
SIVAGANGAI DISTRICT. ... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.APPADURAI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervenor : Mr.MURUGESAN Advocate

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 alleged offence under Sections 294 (b), 323, 506 (I) and Section 4 of Women Harassment Act, in Crime No.48 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that that there was a dispute between the petitioners and the defacto complainant with regarding to taking water from the Water Tap. The petitioners assaulted the defacto complainant with iron rod. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners 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.

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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruppathur 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 & 2 shall report before the respondent police daily at 10.30 a.m.,until further orders and the petitioners 3 & 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/-
03/04/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
TIRUPPATHUR.

2.THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

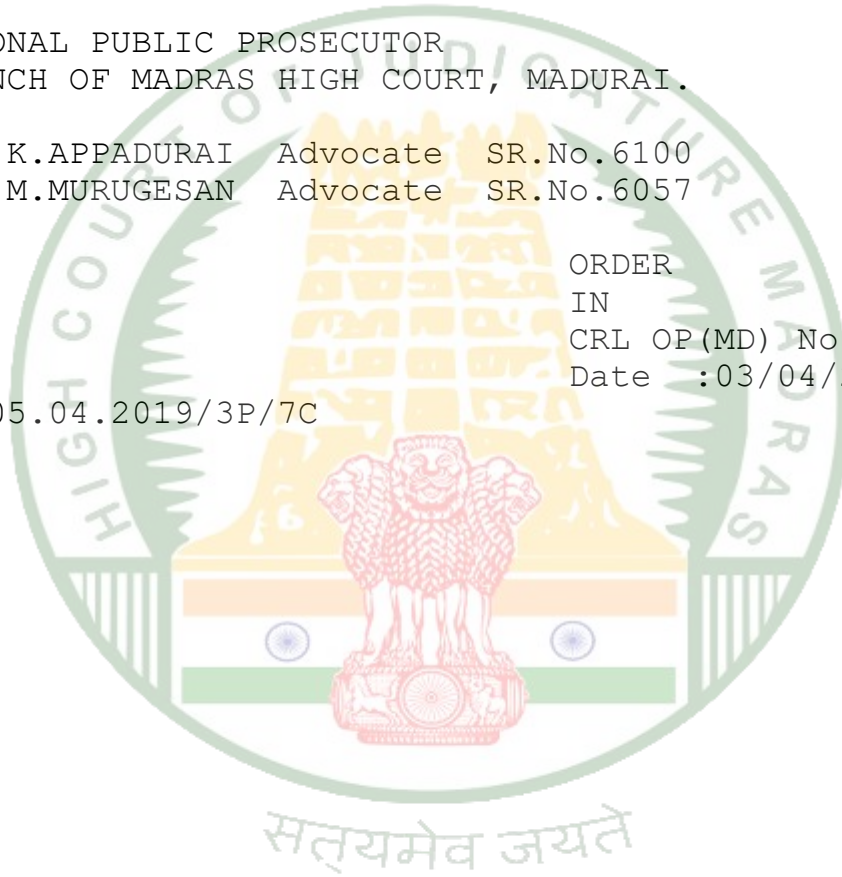
3.THE SUB INSPECTOR OF POLICE,
S.V.MANGALAM POLICE STATION,
SINGAMPUNARI TALUK,
SIVAGANGAI DISTRICT.

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

+1. CC to Mr.K.APPADURAI Advocate SR.No.6100
+1. CC to Mr.M.MURUGESAN Advocate SR.No.6057

ORDER
IN
CRL OP(MD) No.5068 of 2019
Date :03/04/2019

TK/PN/SAR-3/05.04.2019/3P/7C



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