



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

Monday, the Eighth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP (MD) No.5232 of 2019

- 1 SANTHOSH
- 2 MAHIBAN
- 3 RABINSTON
- 4 NIJENDRAN ALIAS VIJENDRAN
- 5 JOHNSON

... PETITIONERS / ACCUSED NOS.1 TO 5
- Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
TIRUCHENDUR TALUK,
TUTICORIN DISTRICT.
(CRIME NO.326/2013)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.A.MOHAMED HANEEF, 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 :-

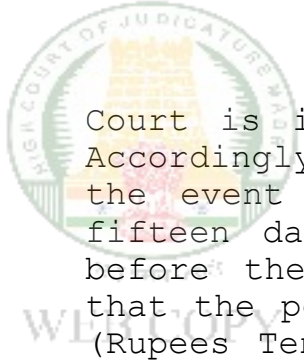
The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 324, 323 & 307 of IPC in Cr.No.326 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to previous enmity between the two groups with regarding to conduct the temple festival,the petitioners attacked the defacto complainant with stick. 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, Tiruchendur 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/-

08/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE, KULASEKARAPATTINAM POLICE STATION, TIRUCHENDUR TALUK, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.MOHAMED HANEEF Advocate SR.No.6451

ORDER IN

CRL OP(MD) No.5232 of 2019

Date : 08/04/2019