



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

CRL OP (MD) No.5307 of 2019

1 R.LOGANATHAN

2 A.RAJA

... PETITIONERS/ ACCUSED NO.A1 & A2

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

CHINNADHARAPURAM POLICE STATION,

KARUR DISTRICT.

(CRIME NO.96 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.AN.RAMANATHAN, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

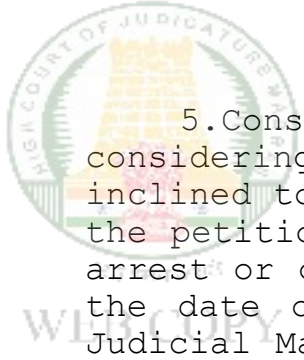
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(ii), r/w 379 (NP) I.P.C, in Crime No.96 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 01.04.2019 at about 7.15 pm, when the defacto complainant was standing near Vinayagar Temple at Malachiyur, the petitioners came and scolded the defacto complainant for foisting earlier case against them and the first accused attempted to attack with wooden log, the defacto complainant ran away from the spot. Hence, the complaint.

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 State would submit that the petitioners and the defacto complainant are different political party. Due to Election dispute between them, the defacto complainant belong to ruling party and no one sustained injury.



5. Considering the facts and circumstances of the case and considering the fact that no one sustained injury, 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 No.II, Karur, 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 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/-

08/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KARUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
 3. THE SUB INSPECTOR OF POLICE
CHINNADHARAPURAM POLICE STATION, KARUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1CC TO Mr.AN.RAMANATHAN, Advocate, SR NO.6379

ORDER IN

CRL OP(MD) No.5307 of 2019

Date : 08/04/2019