



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.5440 of 2019

1 ALAGU
2 SHANMUGANATHAN
3 GOWTHAM
4 PANDI
5 MUNIARASU
6 KANNADASAN
7 SIVABALAN

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THONDI POLICE STATION,
THONDI, RAMANATHAPURAM DISTRICT.
(CRIME NO.NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.C.JEYAPRAKASH, 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, 294 (b), 509 and 506(i) of IPC in Cr.No.50 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant and the petitioners are in the same village. The petitioners misbehaved with the defacto complainant, the same was questioned by the defacto complainant's father. Thereby, one of the accused try to attack the defacto complainant with Aruval. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further



submit that the petitioners and the defacto complainant are relatives. There was a dispute with regard to the parking of an Auto in the Thinaiyathur Village. The petitioners objected for parking the defacto complainant father's Auto in the bus stand for which the defacto complainant lodged a false complainant against the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that it is a case and case in counter. He would further submit that investigation is pending. He would further submit that no one is injured in the scene of occurrence. He would further submit that the first petitioner is not arrayed as an accused in this case as on today and there is no apprehension of arrest.

5.Taking into consideration of the submissions made by the learned Government Advocate (Crl. Side) that the first petitioner is not an accused in this case as on today, this criminal Original Petitions is closed in respect of the first petitioner.

6.Considering the facts and circumstances and considering the fact that no one is injured in the scene of occurrence, this Court is inclined to grant anticipatory bail to the petitioners 2 to 7. Accordingly, the petitioners 2 to 7 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 Judicial Magistrate Court, Thiruvadanai, 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:

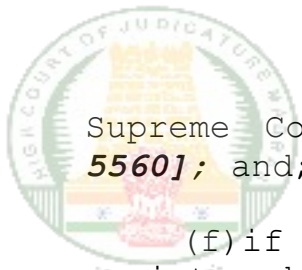
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 p.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.

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sd/-

12/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE, THONDI POLICE STATION,
THONDI, RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.C.JEYAPRAKASH Advocate SR.No.6738

ORDER

IN

CRL OP(MD) No.5440 of 2019

Date :12/04/2019

MS/PN/SAR-3/22.04.2019/3P.6C