



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

Wednesday, the Tenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5441 of 2019

1 BALU @ BALAMURUGAN
2 KALIKANI
3 DINESH @ DHINESH

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.31 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.RAMANATHAN 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, 324 and 506(ii) IPC in Crime No.31 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 06.04.2019 at 07.00 a.m., the defacto complainant and the petitioners are standing near the seashore to repair the boat and at that time, a wordy quarrel entered between the petitioners and the defacto complainant and the petitioners / accused by using filthy language attacked the defacto complainant with dire consequences and also threatened him and caused simply injury.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) for the respondent police would submit that injured has been discharged from the hospital and investigation is not yet completed.



5. Considering the facts and circumstances of the case and considering the fact that the injured has 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 No.I, Ramanathapuram, 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 learned 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO-I,
<https://hcservices.ecourts.gov.in/hcservices/>
RAMANATHAPURAM DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.K.RAMANATHAN Advocate SR.No.6508

PS/VR/SAR-3/12.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.5441 of 2019

Date :10/04/2019