



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5974 of 2019

1 BHARATHIRAJA, S/O.KARUPPIAH
2 KAVIKUMAR @ KAVI,
3 KARTHICKRAJA @ KARTHI ... PETITIONERS / ACCUSED NO.1,2& 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME.NO.46 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.ARPUTHARAJ 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 are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 506(ii) of IPC and Section 3(1) of TNPPDL Act in Cr.No.46 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioner abused the defacto complainant, threatened him with dire consequences and caused damaged to the shop worth Rs.7000/-. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However without prejudice to his rights and contentions the petitioners are willing to deposit Rs.5,000/- to the credit in Crime number and thereafter the same shall be disbursed to the defacto complainant

4.The learned Government Advocate(Crl.Side) appearing for respondent would submit that the injured has been discharged from the hospital.



5. Considering the facts and circumstances and also considering the fact that the injured has been discharged from the hospital and also considering the fact that the petitioners have come forward to deposit some amount as compensation to the defacto complainant, 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, Paramakudi, Ramanathapuram District 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 are directed to deposit Rs.5,000/- to the credit in Crime No. 46 of 2019 before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and on such deposit the learned Magistrate shall disburse the same to the defacto complainant.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30a.m until further orders

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

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

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

+1. CC to Mr.S.SUBBANI KARPURA JOTHI Advocate SR.No.7230

PS/VR/SAR-2/27.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.5974 of 2019

Date :25/04/2019