

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

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6102 of 2019

1 BAKKIYARAJ
2 JEEVAN @ JEEVAGAN
3 ANTHONI
4 SELVI
5 CHITHRA
6 VANI

... PETITIONERS / ACCUSED NO.1,2,4,5 & 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
GUDALORE NORTH POLICE STATION,
THENI DISTRICT.
CRIME NO.107/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.T.VEERAKUMAR, 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 are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147,148,323,324 and 506(ii) of IPC in Cr.No.107 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that in a drunken mood the petitioners abused the defacto complainant , assaulted him with iron road and threatened him with dire consequences for which a case and counter case has been lodged.

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. However on instructions he would submit that he is ready to deposit Rs.5000/- to the credit in Crime number without prejudice to his rights and contentions.

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

5.Considering the facts and circumstances and considering the fact that injured has already been discharged from the hospital and also considering the fact that the petitioners have come forward to deposit Rs.5000/- to the credit in crime number, 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, Uthamapalayam 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 pay a sum of Rs.5000/- to the credit in crime number 107 of 2019 on the file of the learned Judicial Magistrate, Uthamapalayam and thereafter sureties shall be accepted.

(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 1 to 3 shall report before the respondent police daily at 10.30a.m until further orders and the petitioners 4 to 6 shall report before the respondent police as and when required for interrogation

(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/-

26/04/2019

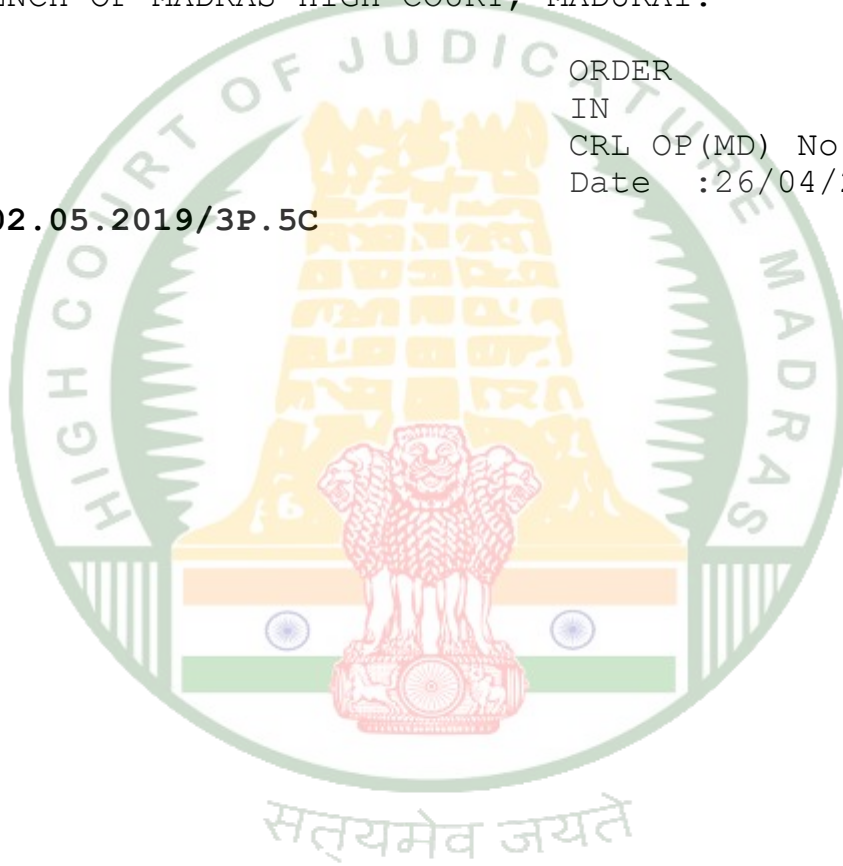
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TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE
GUDALORE NORTH POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6102 of 2019
Date :26/04/2019

MS/VR/SAR-3/02.05.2019/3P.5C



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