

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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6533 of 2019

1 JEYASTON
2 UBALSTON
3 DANSTON
4 JACKSON

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUCHENDUR TALUK POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.140 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SELVAKUMAR Advocate

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

For Intervener : MR.D.SADIQ RAJA, Advocate

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 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.140 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are the fisherman. Due to dispute with regard to the parking of boat, the petitioners abused the defacto complainant using filthy language and also assaulted the defacto complainant with deadly weapons. Thereby, the defacto complainant sustained injuries and was admitted in hospital. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.

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. It is a case in counter and on a complaint given by the petitioners, a case was registered against the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervener vehemently opposed for the grant of anticipatory bail. However, the injured person is not yet discharged from the hospital.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that injured has been discharged from the hospital. However, on a complaint given by the petitioners a case in counter has been registered against the defacto complainant. He would further submit that one previous case is pending against the petitioners 2 and 4.

6.Recording the submission made by the learned Government Advocate (Crl. Side), this petition is dismissed in respect of the petitioners 2 and 4.

7.Considering the facts and circumstances and considering the fact that the injured had been discharged from the hospital , this Court is inclined to grant anticipatory bail to the petitioners 1 and 3. Accordingly, the petitioners 1 and 3 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, Tiruchendur on condition that the petitioners 1 and 3 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 1 and 3 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 1 and 3 shall report before the respondent police daily at 10.30 a.m.,until further orders;

(c)the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 and 3 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 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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/-
30/04/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
- 3 THE INSPECTOR OF POLICE,
TIRUCHENDUR TALUK POLICE STATION,
TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No. 7939

ORDER
IN

CRL OP (MD) No.6533 of 2019
Date :30/04/2019

JM/JC/SAR 4/14.05.2019/3P/6C

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