



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

Wednesday, the Eighth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP(MD) No.6931 of 2019

1 G. KARUPPAIAH
2 G. KRISHNAN
3 G. PARAMAN
4 MUTHAIAH @ THENGAKADAI MUTHAIAH
5 MUTHUKUMARASAMY @ MUTHURAJA
6 RAJARAM
7 RAJENDRAN
8 SUNDARAM

... PETITIONERS / ACCUSED NO.1 TO 8

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.96 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SADESKUMAR Advocate

For Respondent : MRS.S.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 offences under Sections 147, 294 (b), 509 and 506(i) of IPC and Section 4 of TNPHW Act, in Crime No.96 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to civil dispute between the petitioners and defacto complainant, the first petitioner used filthy language against the defacto complainant and other ladies and also criminally intimidated. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that they are innocent persons and due to previous enmity, a false complaint has been given against them. 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 Government Advocate(Crl.side) appearing for the respondent police would submit that no one was injured and it was a wordy quarrel. However, on a complaint given by the petitioners a case in counter has been registered against the defacto complainant. He would further submit that investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that there is no specific overtact against the petitioners, 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, Peraiyur, Madurai District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 a.m., and 5.30 p.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.

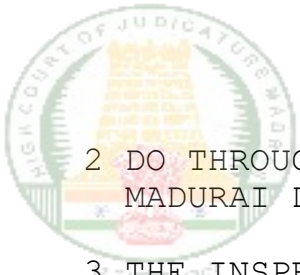
sd/-

08/05/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.S.SADESKUMAR Advocate SR.No.8145

ORDER

IN

CRL OP (MD) No.6931 of 2019

Date :08/05/2019

JM/JC/SAR 4/13.05.2019/3P/6C