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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7015 of 2019

1 V.MUTHUVEERASURULIAMMAL
2 C.ESWARAN ... PETITIONERS/3rd 4th ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
BODINAICKANUR TOWN POLICE STATION,
THENI DISTRICT
(CR.NO.437/2019) ... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.BALAJI, Advocate

For Respondent : MR.A.ROBINSON,Government Advocate(Crl.Side)

For Intervenor : MR.M.RAJARAJAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/accused No.3 and 4, who apprehend arrest at the hands of the respondent Police, in connection with Crime No.437 of 2019 for the offence punishable under Sections 447,341,427, 294(b), 323, 506(ii) r/w.109 of IPC seek anticipatory bail.

2.Heard Mr.S.Balaji,learned Counsel for the petitioner and Mr.Rajarajan, learned Counsel for the intervenor and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that on 01.05.2019 at about 10.00 a.m due to some civil dispute, the petitioners along with others abused the defacto complainant and threatened him with dire consequences.

4.The learned counsel for the petitioners submitted that except the offence punishable under Section 506(ii) IPC, all other offences are bailable in nature and according to him, the victim was also discharged from hospital.

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5. The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail stating that the injury sustained by the defacto complainant is grevious one and except the offence punishable under Section 506(ii) IPC, all other offences are bailable in nature

6.The learned Government Advocate (Crl. Side), on instructions, from the respondent Police confirmed that the victim has been discharged from the hospital. The learned Counsel further submitted that there is no previous case against the petitioners.

7.Considering the facts and circumstances of the case, the only non bailable offence is punishable under Section 506(ii) IPC and considering the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

8.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 on which the order copy was made ready before the learned Judicial Magistrate, Bodinaickanur on condition that the petitioners shall execute a separate 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 and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners shall co-operate for the investigation and the trial.The petitioners shall not abscond either during investigation or trial and in event of the petitioners absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].**

sd/-
15/05/2019

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

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TO

1.THE JUDICIAL MAGISTRATE, BODINAICKANUR

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

3.THE INSPECTOR OF POLICE,
BODINAICKANUR TOWN POLICE STATION,
THENI DISTRICT,.

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

+1. CC to M/S.S. BALAJI, Advocate SR.No.8328
+1. CC to M/S.M.RAJARAJAN, Advocate SR.No.8335

ORDER
IN
CRL OP(MD) No.7015 of 2019
Date :15/05/2019

AAV
PK/JC/SAR-1/20.05.2019 : 3P/7C

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