



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.7026 of 2019

1 M.BALAMURUGAN
2 SIVA ELANGO

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CUMBAM SOUTH POLICE STATION,
THENI DISTRICT
(CR.NO.198/2019)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.MUNIYANDI, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/accused nos 1 &2 , who apprehend arrest at the hands of the respondent Police, in connection with Crime No.198 of 2019, for the offence punishable under Sections 294(b), 324 and 506 (ii) of IPC, seek anticipatory bail.

2.Heard Mr.S.Muniyandi, learned Counsel for the petitioners and Mr.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the due to some money dispute the petitioner along with other abused the defacto complainant, attacked him with sticks and threatened with dire consequences, thereby he sustained injury. Hence, the complaint.

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.

5.The learned Government Advocate (Crl. Side), on instruction, 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.

6. 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.

7. 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 Uthamapalayam, 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 daily at 10.30 a.m, until further orders.

[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.

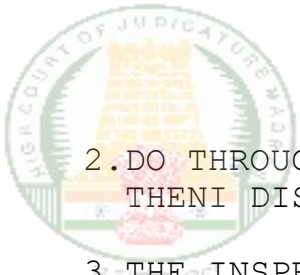
[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
15/05/2019

/ TRUE COPY /

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

TO



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3.THE INSPECTOR OF POLICE
CUMBAM SOUTH POLICE STATION, THENI DISTRICT

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

+1.CC to M/S.S. MUNIYANDI, Advocate SR.No.8371

ORDER

IN

CRL OP (MD) No.7026 of 2019

Date :15/05/2019

AAV

PK/JC/SAR-3/21.05.2019 : 3P/6C