



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.7065 of 2019

1 RAJENDRAN
2 ANAND ALIAS MURUGANANTHAM
3 PREMKUMAR
4 MURUGESAN
5 CHANDRAN

... PETITIONERS / ACCUSED 1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BALAMEDU POLICE STATION,
BALAMEDU, VADIPATTI TALUK,
MADURAI DISTRICT.
(CRIME NO.65 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.LOGANATHAN Advocate

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

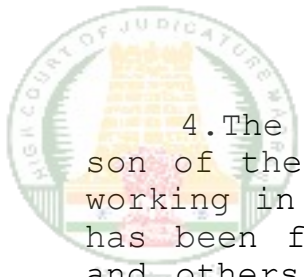
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/accused, who are apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 342, 324, 307, 506(ii) and 294(b) IPC and under Section 4 of the Tamilnadu Prohibition of Women Harassment Act in Crime No.65 of 2019 on the file of the respondent police, seek anticipatory bail.

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

3.The case of the prosecution is that on 05.05.2019 at about 9 a.m., out of a civil dispute between the defacto complainant and the petitioners, the petitioners waylaid the defacto complainant and his son-in-law. The third petitioner is said to have assaulted the de facto complainant with aruval on his head.



4.The learned counsel for the petitioners would submit that the son of the defacto complainant one Jegajothi is a police constable working in Samayanallur police station and on his advice, this case has been foisted as against the real victim, the third petitioner and others, as if they have assaulted the defacto complainant and his son in law. According to the petitioners, the third petitioner has sustained injury and he has also been admitted in Government Rajaji Hospital on 05.05.2019 and he is still taking treatment in the hospital.

5.According to the petitioners, the third petitioner has also sustained injury on his head. Though, a complaint was lodged by the first petitioner, the respondent police has not registered any case and treated the same only as a petition enquiry which shows the influence by the Head Constable who is working in the Samayanallur Police Station.

6.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail.

7.Considering the fact that the third petitioner has also sustained serious head injury and also admitted in the hospital from 05.05.2019, no case has been registered on the complaint of the petitioners' side.

8.The learned Government Advocate (Crl Side) appearing for the respondent Police opposes the grant of anticipatory bail.

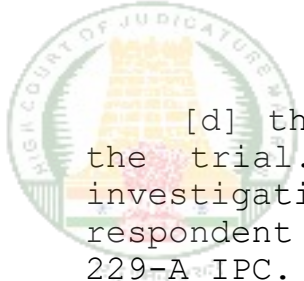
9.Taking into consideration the facts and circumstances of the case and there is no bad antecedent against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

(i) 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, Vadipatti, Madurai District on condition that the petitioners shall execute a separate 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 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 abscond, 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

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

+1. CC to M/S.S. LOGANATHAN Advocate SR.No. 65832

ORDER
IN
CRL OP(MD) No.7065 of 2019
Date :15/05/2019

JM/PN/SAR 2/23.05.2019/3P/6C