



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

Wednesday, the Fifteenth day of May Two Thousand and Nineteen

WEB COPY

PRESENT

The Hon'ble Mr. Justice B.PUGALENDHI

CRL OP(MD) No.7070 of 2019

1 MUTHULAKSHMI

2 NATARAJAN

... PETITIONERS / ACCUSED Nos. 2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT,
(CRIME NO.86 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P. KANDASAMY Advocate

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294, 353, 332, 307 IPC in Crime No.86 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.P.Kandasamy, 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 22.04.2019 during night hours, the defacto complainant along with two other police officials went to the house of the Accused No.1 to recover the vehicle that was involved in an accident case. At that time the first petitioner attacked the Sub Inspector of Police/ defacto complainant with wooden log and caused head injury. The petitioners herein / A2 and A3 have abused the defacto complainant with filthy language. Hence this case has been registered.



4.The learned counsel appearing for the petitioners would submit that the petitioners are innocents 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.

5.The learned Government Advocate (Crl Side) appearing for the respondent Police opposes the grant of anticipatory bail. The respondent police also would admit that the injured has also discharged from the hospital on 24.04.2019.

6.Taking into consideration the facts and circumstances of the case that the injured has been discharged from the hospital 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 District Munsif cum Judicial Magistrate Court, Orathanadu 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.

[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 /



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.

2 DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT

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

+1. CC to M/S.P. KANDASAMY Advocate SR.No.8315

ORDER

IN

CRL OP (MD) No.7070 of 2019

Date :15/05/2019

ES/KK/17.05.2019/4P/6C