

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7198 of 2019

1 SUGANTHAN @ SANTHOSHA SUGANTHA
2 ELSON @ AROCKIA ELSON
3 DENWAR @ DENVAR ASHOK
4 JEEVAN @ JEEVARAJ
5 SEELAN @ AROCKIA SEELAN ... PETITIONERS/ACCUSED Nos.1 to 5

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SOORANKUDI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 43OF 2019

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.NIRANJAN S.KUMAR 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 to 5, who apprehend arrest at the hands of the respondent Police, in connection with Crime No.43 of 2019, for the offence punishable under Sections 147, 427 and 506 (ii) IPC, seek anticipatory bail.

2.Heard Mr.Niranjan S.Kumar, 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 due to previous enmity, the petitioners damaged the house of the defacto complainant and abused him with filthy language and threatened him with dire consequences.Hence, the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as

alleged by the prosecution and according to him, the victim has also been discharged from the hospital.

5.The learned Government Advocate (Crl. Side), on instructions from the respondent Police confirmed that the victim has been discharged from the hospital. He further submitted that it is a case and counter case.

6.Considering the fact that 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 their 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, Vilathikulam, on condition that each of 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 daily twice at 10.30 a.m., and 05.30 p.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/-
16/05/2019

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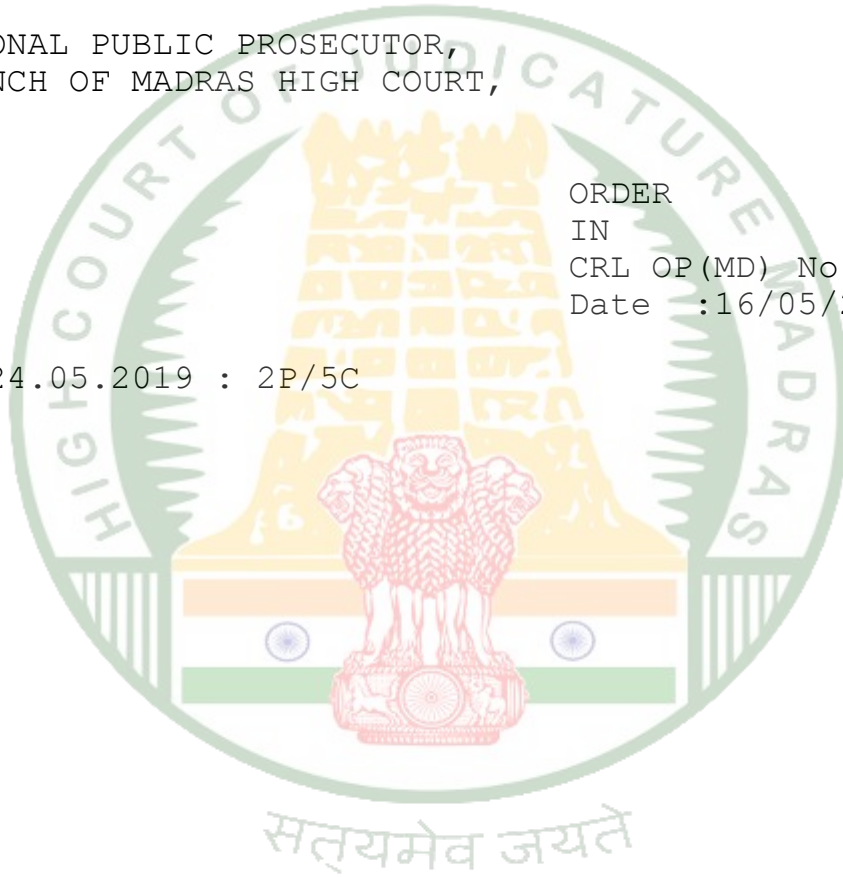
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
3. THE INSPECTOR OF POLICE
SOORANKUDI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7198 of 2019
Date :16/05/2019

SSL
PK/JC/SAR-3/24.05.2019 : 2P/5C



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