

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.7245 of 2019

1 P.VIVEK @ VIVEKANANTHAN

2 P.MOORTHY @ THIRUMOORTHY

... PETITIONERS/ACCUSED RANK NOS. 2 AND 4

Vs

STATE THROUGH

THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT

(CRIME NO.323 OF 2019) ... RESPONDENT /COMPLAINANT

For Petitioners : M/S.I.SABEER MOHAMED, 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 Nos. 2 and 4 who apprehend arrest at the hands of the respondent Police, in connection with Crime No.323 of 2019, for the offence punishable under Sections 294(b), 448, 323, 427 and 506(i) IPC, seek anticipatory bail.

2.Heard Mr.I.Sabeer Mohamed, 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 11.05.2019, the petitioners restrained the defacto complainant and trespassed into his house and damaged the household articles and abused him in filthy language and also brutally attacked the defacto complainant and gave life threat. 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.

5.The learned Government Advocate (Crl. Side), on instructions from the respondent Police submitted that the victim has sustained only simple injury.

6.Considering the fact that the victim has sustained only simple injury, 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 No.I, Karur, 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 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/-

16/05/2019

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WEB COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KARUR

<https://hcservices.ecourts.gov.in/hcservices/>

2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

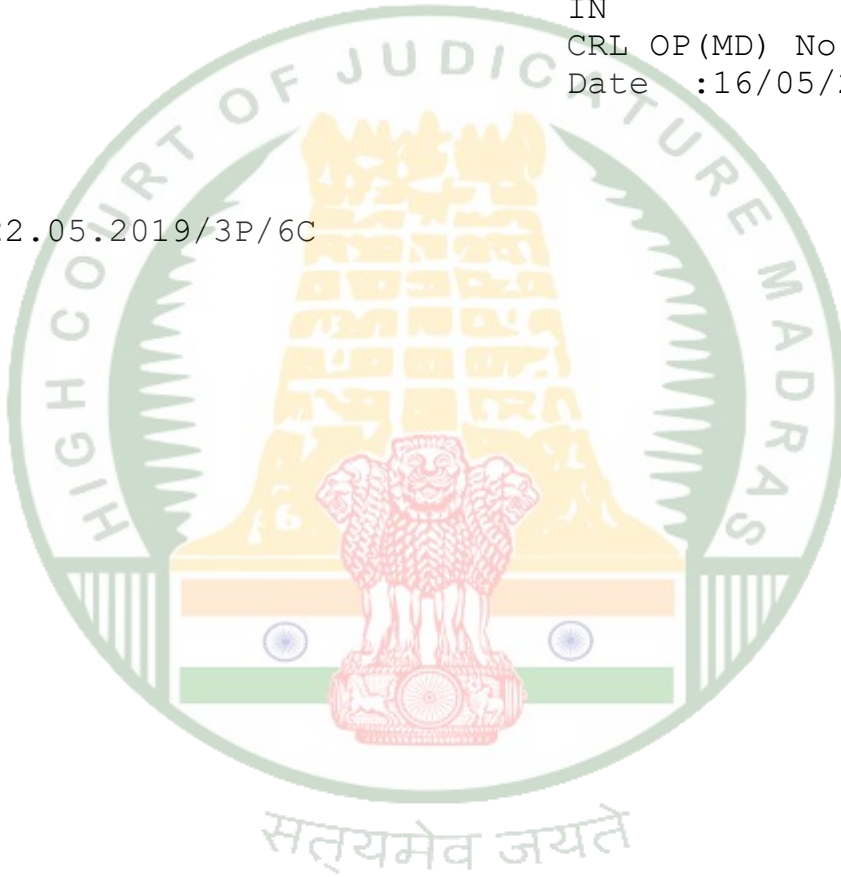
3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT

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

+1. CC to M/S.I.SABEER MOHAMED Advocate SR.No.8645

ORDER
IN
CRL OP(MD) No.7245 of 2019
Date :16/05/2019

ES/PN/SAR 1/22.05.2019/3P/6C



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