

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7359 of 2019

1.MUTHURAMALINGAM,
2 KARUPPANA THEVAR,
3 INDIRANI,
4 MURUGESWARI,

... PETITIONERS / ACCUSED Nos.1,3 to 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PANDALGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.63 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SENTHIL AYYANAR Advocate

For Respondent : MR.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.1,3 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 324, 506(ii) and 109 of IPC and Section 4 of TNPWH Act, in Crime No.63 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners trespassed into the defacto complainant's house and assaulted the defacto complainant and his daughter with dire consequences. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that injured person in this case has been discharged from the hospital and the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. The injured person in this case has been discharged from the hospital. In the alleged offences committed by the petitioners, except Section 506 (i) IPC and Section 4 of TNPWH Act, all other offences are bailable in nature. Considering the nature of offences committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Further, substantial portion of investigation has been completed. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)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.

(ii)the Petitioners shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

(iii)the Petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) 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 petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
29/05/2019

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

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
PANDALGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

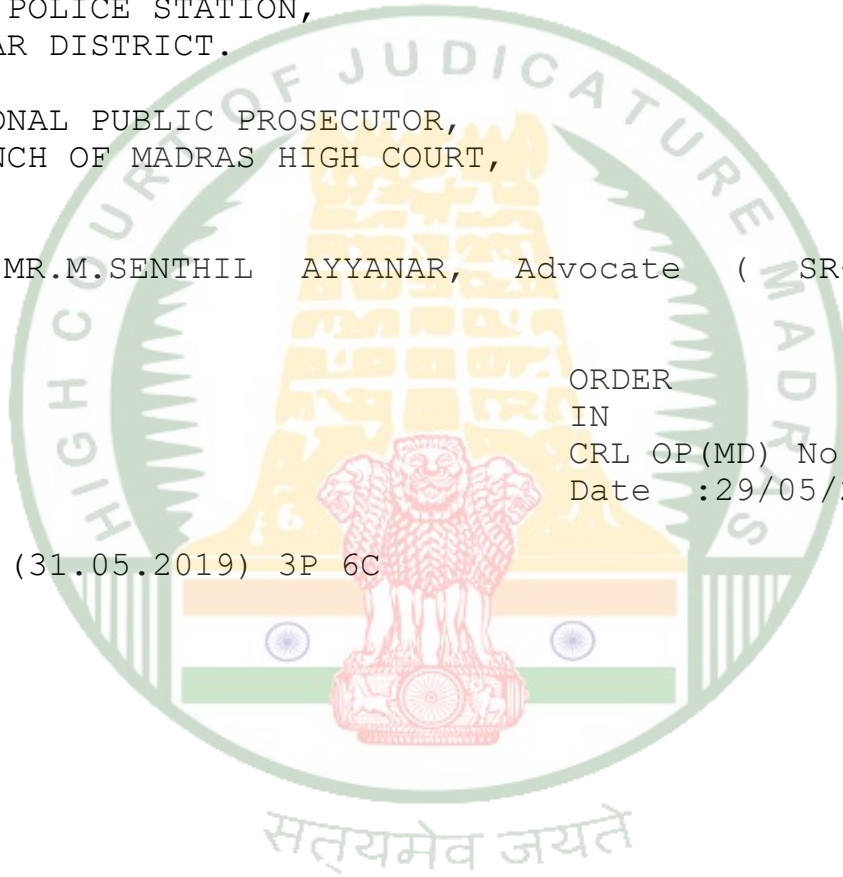
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.M.SENTHIL AYYANAR, Advocate (SR-8907[I] dated
30/05/2019)

ORDER
IN
CRL OP(MD) No.7359 of 2019
Date :29/05/2019

TM

AE/VR/SAR-IV (31.05.2019) 3P 6C



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