

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.7388 of 2019

1 PAUL PANDIAN
2 P.SIVANESAN
3 SIVASANKAR
4 P.ARUN
5 R.KANNAN @ MAHAKANNAN
6 AJAIK
7 ARUL
8 S.SELVA SURYA PRATHEESH @ SURYA ... PETITIONER / ACCUSED
No 1 to 8

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
Crime No.179 of 2019 ... RESPONDENT / COMPLAINANT

For Petitioners : Mr.L.GEORGE PAUL ANTO 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 Nos.1 to 8, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.179 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have attacked the *defacto* complainant and her relatives on 11.05.2019, due to previous enmity. Thus, on complaint, a case has been registered against the petitioners and others.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, they did not

commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to some dispute, the petitioners assaulted the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. Except the offence under Section 506(ii) IPC and Section 4 of T.N.P.W.H Act, all other offences registered against the petitioners are bailable in nature. As of now, the person who sustained injury in the alleged occurrence was discharged from the hospital after taking treatment. Hence, custodial interrogation of the petitioners may not be necessary for completing the investigation. So, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some 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, Valliyoor, Tirunelveli 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 appear before the respondent Police daily 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 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 petitioners 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 anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned 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 learned 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-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.L.GEORGE PAUL ANTO Advocate SR.No.8938

ORDER
IN
CRL OP(MD) No.7388 of 2019
Date :29/05/2019

TK/JC/SAR-2/03.06.2019/3P/6C

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