

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.7421 of 2019

1 RAJAGOPAL

2 SHUNMUGA SUNDARAM

.... PETITIONER/ACCUSED A1 & A2

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
NARAIKINARU POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.9 OF 2019

.... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SIVA ILAYARAJA 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 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 342, 506(ii) of IPC and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.9 of 2019, seek anticipatory bail.

2.The case of the prosecution is that during the temple festival, the petitioners attacked the defacto complainant. Due to which, the defacto complainant sustained injury and admitted in the hospital. 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 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.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to some dispute, the petitioners and other accused assaulted the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. In the offences registered against the petitioners, except 506 (ii) IPC, all other offences 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, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Accordingly, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some stringent conditions.

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 No.II, Kovilpatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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 conditions 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 09.00 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

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3.THE INSPECTOR OF POLICE
NARAIKINARU POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.S.SIVA ILAYARAJA Advocate SR.No.8933

ORDER
IN

CRL OP(MD) No.7421 of 2019
Date :29/05/2019

MRN/CP

PK/PN/SAR-2/03.06.2019 : 3P/6C

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