

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.7477 of 2019

1 MARIMUTHU
 2 PRASATH
 3 ARAVIND

... PETITIONERS / ACCUSED
 No.1 to 3

Vs

THE STATE REP.BY
 THE INSPECTOR OF POLICE
 KUMBAKONAM TALUK POLICE STATION,
 THANJAVUR DISTRICT
 CR.NO.132/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.MA.KARUNANITHI 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 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 427 & 307 of IPC, in Crime No. 132 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners assaulted the defacto complainant by wooden log and iron rod and caused injuries. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that it is a case in counter and a counter case was registered as against the defacto complainant in Crime No.132 of 2019 under the provisions of SC/ST Act.

4. The learned Additional Public Prosecutor would submit that the person who sustained injuries at the time of occurrence was discharged from the hospital and completed his treatment.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, due to the dispute between the petitioners and the defacto complainant, the petitioners assaulted the defacto complainant and thereby, the defacto complainant has sustained injury. As of now, the injured was discharged from the hospital after taking treatment. Considering the nature of offences committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. 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, Kumbakonam, Thanjavur 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 stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, daily at 10.00 a.m., for a period of 3-weeks.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(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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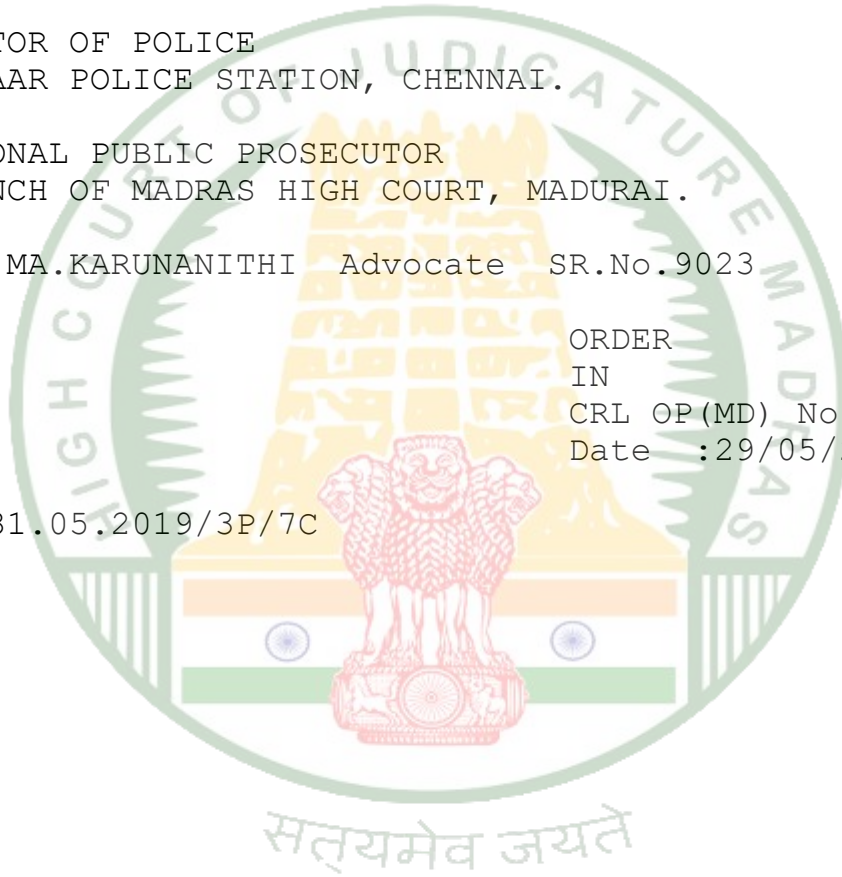
TO

1. THE JUDICIAL MAGISTRATE,
KUMBAKONAM, THANJAVUR DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT
4. THE INSEPCTOR OF POLICE
FLOWER BAZAAR POLICE STATION, CHENNAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.MA.KARUNANITHI Advocate SR.No.9023

ORDER
IN
CRL OP(MD) No.7477 of 2019
Date :29/05/2019

TK/VR/SAR-1/31.05.2019/3P/7C



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