



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.7578 of 2019

1 PREMNATH
2 GOKULNATH
3 THIRUMURUGAN

... PETITIONERS / ACCUSED
NO.3,5 & 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.82 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.M.P.MUTHUPANDI, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

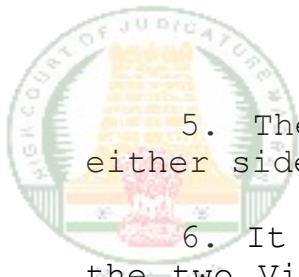
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.14 & 15, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 435, 307 of IPC, in Crime No. 82 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel between the youngsters of the two Villages, the petitioners assaulted the defacto complainant and other three persons by using the wooden log and iron rod and caused injuries. Further, the petitioners damaged three motor cycles. 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 innocent persons and they did not commit any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the persons who sustained injuries at the time of occurrence was discharged from the hospital and completed their 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 youngsters of the two Villages, the petitioners assaulted the *defacto* complainant and three other persons and also damaged three motor cycles. Thereby, the *defacto* complainant and other persons have sustained injuries. As of now, the injured were discharged from the hospital after taking treatment and some of the accused were already released on bail and the counsel who appearing on behalf of the petitioners come forward to deposit the value of the property, which was damaged during the time of occurrence. Considering the nature of offences committed by the petitioners, this Court come to the conclusion that 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, No.I, Ramanathapuram, 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) Each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No. 82 of 2019 before the learned Judicial Magistrate, No.I, Ramanathapuram, without prejudice to their defence before the trial Court;

(iii) the petitioners shall stay at Madurai and report before the Inspector of Police, Anna Nagar Police Station, daily at 10.00 a.m., for a period of 3-weeks and thereafter, as and when required;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) 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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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
BAZAAR POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.7578 of 2019

Date :29/05/2019

MS/VR/SAR-4/04.06.2019/3P.6C