

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7587 of 2019

1. Rajkumar
2. Rasu @ Rajeev
3. Revathi

... Petitioners/Accused No.2,1 & 3

Vs

State Rep.by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
Crime No.97/2019.

... Respondent/Complainant

For Petitioners: M/s.D.Balamurugapandi,
Advocate.

For Respondent : Mrs.M.Aananthadevi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No. 97 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 323, 506(i) and 379(NH) of I.P.C, in Crime No.97 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the wife of the de facto complainant is the own sister of the third petitioner. Due to family dispute, the de facto complainant gave a false complaint against the petitioners. He has further submitted that the injured has been sustained simple injury and discharged from the hospital. He has also submitted that the petitioners have not committed any offence and prayed for grant of anticipatory bail to the petitioners.

3.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that due to family dispute, on 24.05.2019, at about 10.00.am., the petitioners herein assaulted the de facto complainant and also snatched away 5 sovereigns of jewels, cell phone and two wheeler. She has further submitted that the injured has been discharged from the hospital.

5.Taking into consideration of the relationship between the parties and the fact that the injured had sustained simple injury and he has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Karaikudi, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/06/2019

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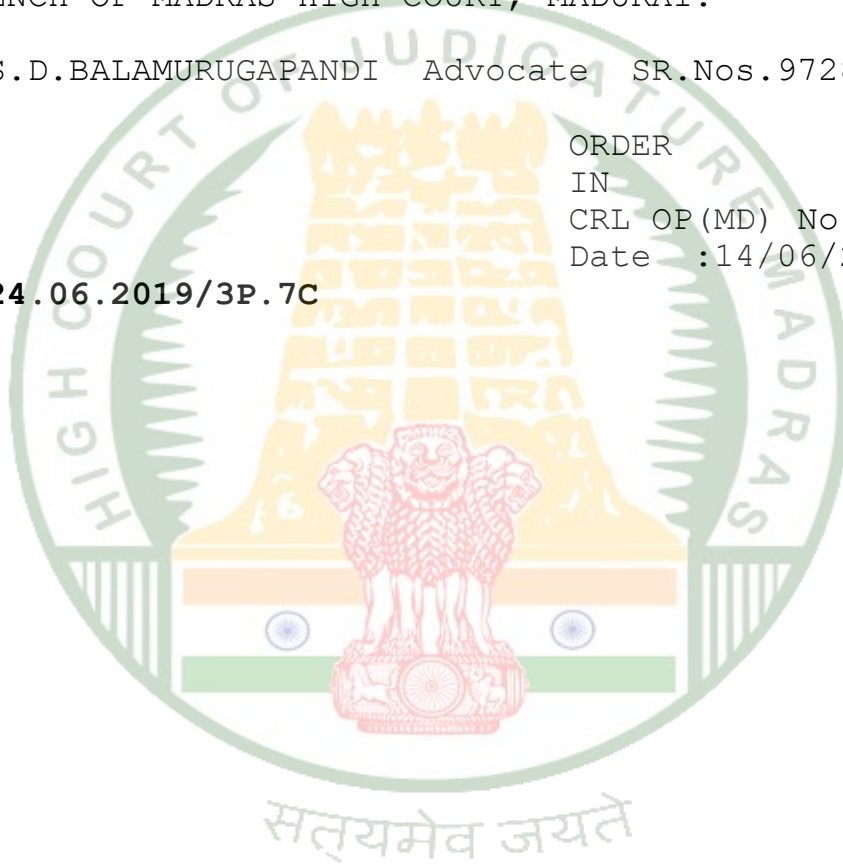
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI,
SIVAGANGAI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to M/S.D.BALAMURUGAPANDI Advocate SR.Nos.9728 & 9729

ORDER
IN
CRL OP (MD) No.7587 of 2019
Date :14/06/2019

MS/VR/SAR-4/24.06.2019/3P.7C



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