

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.7597 of 2019

1 POOLPANDI
2 KUMAR

... PETITIONERS/ACCUSED 1 & 2

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.72/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR, 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 No.1&2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii) and 379 (N.P) IPC, in Crime No.72 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to entering of cows belong to the petitioner in the defacto complainant's land, there was a wordy quarrel arose between the petitioners and the defacto complainant. For which, the petitioners abused the defacto complainant by using the filthy language and assaulted him. 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 Additional Public Prosecutor 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 that at the time of occurrence, the cows belong to the petitioners have entered into the property of the defacto complainant, due to which, the petitioners and other accused assaulted the defacto complainant and thereby, the defacto complainant has sustained injury. In a case registered against the petitioners, except the offence under Sections 506 (ii) and 379 IPC, all other offences are bailable in nature. As of now, the cows were recovered and handed over to the owner and the injured has also been discharged from the hospital. Hence, custodial interrogation of the petitioners is not 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.

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, Sathankulam, 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 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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT
2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7597 of 2019

Date :29/05/2019

SM/VSG

PK/JC/SAR-2/06.06.2019 : 3P/5C

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