



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7598 of 2019

1 SELVAM
2 ANANTH
3 MANI
4 CHINNAMANI

... PETITIONERS / ACCUSED
Nos.1 to 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THIRUVIDAIMARUDHUR POLICE STATION,
THANJAVUR DISTRICT.
Crime NO.80/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.PALANISAMY Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. 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.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 324 and 506(ii) IPC, in Crime No.80 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners assaulted the defacto complainant with iron rod and caused injuries. Hence, the complaint.

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 Government Advocate (Criminal Side) would submit that as of now, the person, who sustained injury, was discharged from the hospital, after taking treatment.

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



6. It is alleged, due to family dispute, the petitioners assaulted the *defacto* complainant with iron rod and thereby, the *defacto* complainant has sustained injury. Except 506 (ii) IPC, all other offences registered against the petitioners are bailable in nature. As of now, the person who sustained injury in the alleged occurrence was discharged from the hospital after taking treatment. Considering the above facts and circumstances of the case, 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, Kumbakonam, 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 Sivagangai and appear before the Inspector of Police, Town Police Station, Sivagangai, 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/-
30/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO I,
KUMBAKONAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
THIRUVIDAIMARUDHUR POLICE STATION,
THANJAVUR DISTRICT.

4. THE INSEPCTOR OF POLICE
TOWN POLICE STATION, SIVAGANGAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.T.PALANISAMY Advocate SR.No.9000

ORDER

IN

CRL OP (MD) No.7598 of 2019

Date :30/05/2019

TK/JC/SAR-4/04.06.2019/3P/7C