



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) Nos.7607 and 7611 of 2019

R.V.BALAMURUGAN

... PETITIONER / ACCUSED No.1
IN CRL OP(MD)No.7607 of 2019

1.M.PRABHU
2.CHANDRASEKAR @ CHANDRU
3.THANGAM

... PETITIONERS No.1 to 3 /
ACCUSED No.4,5 AND 9
IN CRL OP(MD)No.7611 of 2019

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY CITY.
Crime No.332 of 2019

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : Mr.R.V.BHARATHAN Advocate
IN BOTH PETITIONS

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

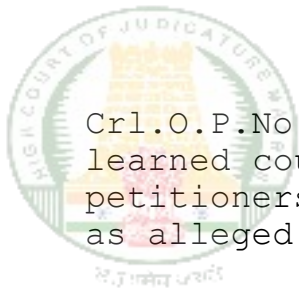
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in both petitions, who are arrayed as accused Nos.1, 4, 5 and 9 respectively, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 323, 324, 307, 506(ii) IPC and Section 3 of TNPPDL Act, in Crime No.332 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners and other accused is alleged to have assaulted the defacto complainant by using deadly weapons and caused injury and also damage to his property to the tune of Rs.25,000/-.

3.The learned counsel appearing for the petitioners is not pressing the petition in respect of the first petitioner in



Crl.O.P.No.7611 of 2019. In respect of the other accused, the learned counsel appearing for the petitioners submits that the other petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) submits that the person, who sustained injury, has been discharged from the hospital, after taking treatment. The learned Government Advocate further submits that a substantial portion of investigation is completed and other accused were arrested and remanded to judicial custody.

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

6. In view of the submission made by the learned counsel for the petitioners that he is not pressing the petition, in respect of the first petitioner in Crl.O.P.No.7611 of 2019, this petition is dismissed as not pressed in respect of the first petitioner in Crl.O.P.No.7611 of 2019.

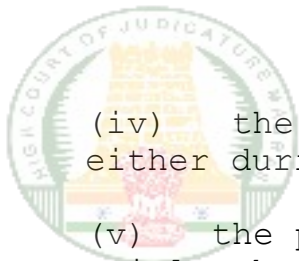
7. So far as the other petitioners are concerned, by considering the facts and circumstances of the case, particularly on considering the fact that the injured has been discharged from the hospital and a substantial portion of investigation is completed, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. Accordingly, the petitioners, except the first petitioner in Crl.O.P.No.7611 of 2019, 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.V, Trichy, on condition that the petitioner 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 petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Crime No.332 of 2019, on the file of the learned Judicial Magistrate No.V, Trichy.

(iii) the petitioners shall stay at Melur and appear before the Inspector of Police, Town Police Station, Melur, daily 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.



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

(v) 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;

(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/-
30/05/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO V, TRICHY.

2.THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY CITY.

4.THE INSPECTOR OF POLICE
TOWN POLICE STATION, MELUR.

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

+2. CC to Mr.R.V.BHARATHAN Advocate SR.Nos.8930,8931

ORDER
IN
CRL OP(MD) Nos.7607
and 7611 of 2019
Date :30/05/2019