



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 03/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7623 of 2019

1. Durai Pandian
2. Sathees
3. Peramayan
4. Veerasimman
5. Parthiban
6. Karikalan

... Petitioners/Accused No.1 to 6

Vs

The State represented by,
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Crime No.98 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
Advocate.

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

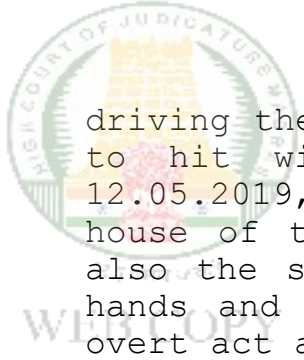
PETITION FOR ANTICIPATORY BAIL Under Sec.438 Cr.P.C

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 147, 148, 294(b), 452, 427, 354 and 506(i) of IPC, in Crime No.98 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that as per F.I.R, on 10.05.2019, the son of the de facto complainant, namely, Aravind was driving a Car, at that time the accused No.6 was



driving the Motor Cycle very closely to the said Car and may likely to hit with the said Car. When the same was questioned on 12.05.2019, at about 04.00 p.m, the petitioners herein went to the house of the de facto complainant and damaged the roof tiles and also the sixth accused attacked the de facto complainant with his hands and torn the blouse. He further submitted that there is no overt act against the other accused persons and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent has submitted that though in the complaint, the de facto complainant has stated that she was assaulted by the accused No.6 with hands on her face and chest, she was not referred to the hospital for treatment. She further submitted that since the sixth accused not only assaulted the de facto complainant on her face and chest and also torn the blouse and outraged the modesty and therefore, she strongly opposed the petition with regard to A-6.

5.The learned counsel for the petitioners has submitted that he is not pressing the petition with regard to the petitioner No.6/A-6 and accordingly, he has also made an endorsement to that effect.

6.Taking into consideration of the aforesaid fact and also the fact that the main allegation is only against the sixth petitioner/A6 and the learned counsel for the petitioners is also not pressing the petition against the sixth petitioner/A6 and also the fact that the de facto complainant was not referred to the hospital for taking treatment, this Court is inclined to grant anticipatory bail to the petitioners 1 to 5 with certain conditions.

7. Accordingly, the petitioners 1 to 5 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 District Munsif cum Judicial Magistrate Court, Orathanadu, Thanjavur District on condition that the petitioners 1 to 5 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 1 to 5 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)the petitioners 1 to 5 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 1 to 5 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 1 to 5 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.

8. Insofar as the 6th petitioner is concerned, this petition is dismissed as not pressed.

Sd/-
03/06/2019

/ TRUE COPY /

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT

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

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

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

+ 1 CC TO Mr.M.Pitchai Muthu, ADVOCATE IN SR No.9189

ORDER
IN
CRL OP(MD) No.7623 of 2019
Date : 03/06/2019

DAS