

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

Friday, the Fourteenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7823 of 2019

1 DAVID

2 MICHAEL RAJ

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

STATE REP. BY

THE SUB INSPECTOR OF POLICE,
R.S. MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

CRIME NO.80/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.MUTHUSAMY Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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 294(b), 323, 324, 427, 379 (NH) & 506 (ii) of IPC., and Section 4 of Harassment of Women Act, in Crime No.80 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to civil dispute, false case has been foisted against the petitioners. He further submitted that already civil suit is pending between the parties and the injured sustained only simple injuries and he was already discharged from the hospital. He further submitted that the counter case also has been registered in Cr.No.79 of 2019 and therefore, he prayed to grant anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the dispute, arose with regard to repair the pipe line, both the parties entered into free fight and sustained injuries and both the parties have lodge a complaint and therefore, he opposed this petition.

5. The accused in Cr.No.79 Of 2019 already filed a petition in CrI.OP(MD)No.8115 of 2019 before this Court, seeking anticipatory bail. It appears with regard to repairing the pipe line, both the parties entered into free fight and sustained injuries and therefore, this Court is inclined to grant anticipatory bail to the petitioners.

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, Thiruvadanai, 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

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>
THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

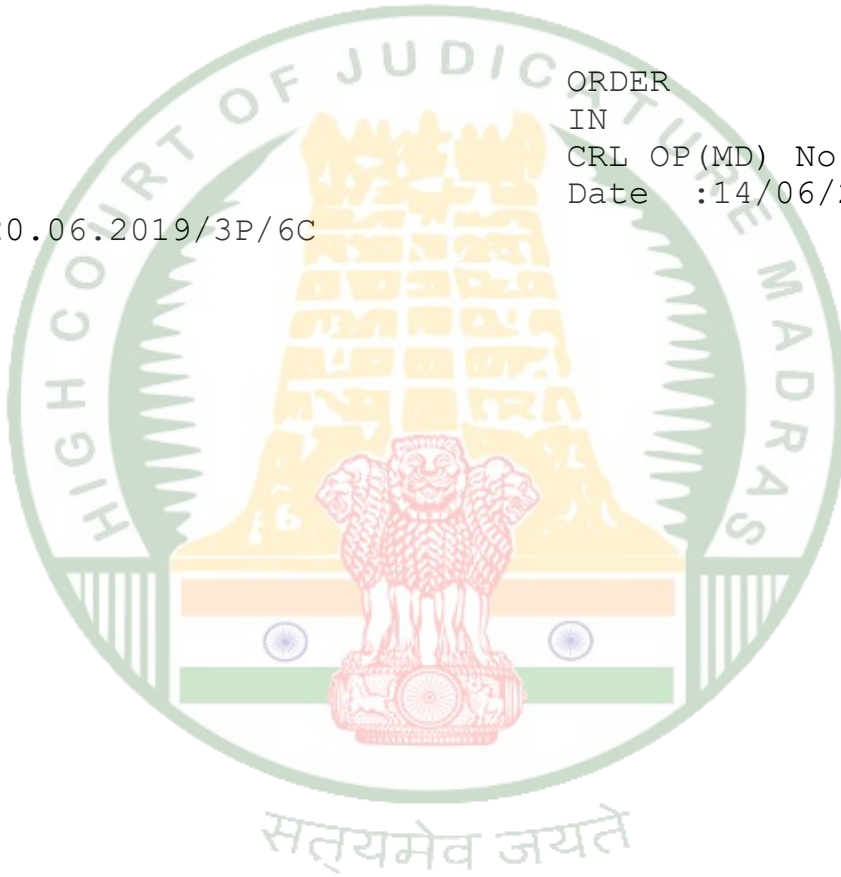
3 THE SUB INSPECTOR OF POLICE,
R.S. MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.P.MUTHUSAMY Advocate SR.No. 9739

JM/PN/SAR 1/20.06.2019/3P/6C

ORDER
IN
CRL OP(MD) No.7823 of 2019
Date :14/06/2019



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