



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7909 of 2019

1. Theivendran

2. Shanmuga Priya

... petitioners/Accused Nos.
1 and 2

Vs

State represented by
The Inspector of Police,
Palanichettipatti Police Station,
Crime No.281/2019
Theni District.

... Respondent/Complainant

For petitioners : M/s.J.Senthil Kumar
For Respondent : Mrs.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime no.281/2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The learned counsel for the petitioners has filed a memo stating that correct crime number is 281 of 2019. But, in this petition, he has wrongly typed the crime number as 261 of 2019. Hence, he requested this Court to incorporate the correct crime number.

2.Recording the said memo, crime number is amended as '281/2019'.

3.The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 306(11) of IPC in Crime No.281 of 2019, seeks anticipatory bail.



4. The learned counsel appearing for the petitioners has submitted that due to family dispute, a false case has been foisted against the petitioners. He further submitted that injured person sustained only simple injury and he/she has already been discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioners.

5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has fairly conceded that a counter case has been registered and the injured sustained only simple injury and he/she has already been discharged from the hospital. However, she opposed this petition, as investigation is pending.

6. Taking into consideration of the aforesaid fact that a counter case was also registered and also the fact that the injured person sustained only simple injury and he/she has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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, Theni District on condition that each of 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:

[a] If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the Respondent Police, daily at 10.00 A.M for a period of three Weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[e] 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



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

TO

- 1.The Judicial Magistrate,
Theni District.
 - 2.Do-Through The Chief Judicial Magistrate,
Theni District.
 - 3.The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. C.C. to Mr.J.SENTHIL KUMAR Advocate SR.No.9357

ORDER
IN
CRL OP(MD) No.7909 of 2019
Date : 10/06/2019

VS
TK/VR/SAR.4/19.06.2019/3P/6C