



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8268 of 2019

1. Balan @ Balamurugan,
2. Ajith
3. Chellapandi
4. Krishnapandi

... Petitioners/Accused Nos.7,10,11,12

Vs

The State of TamilNadu,
The Inspector of Police,,
Kadamalaikundu Police Station,
Theni District.

... Respondent/Complainant

For Petitioner : M/s.C.Sivanathamurthy,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 186 of 2019 on the file of the respondent police.

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 147,148,332,353, 506(ii) and 307 of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have submitted that there is no overt act attributed against the petitioners herein. He further submitted that even as per the First Information Report A1 alone attacked Vignesh. He further submitted that the injured sustained only simple injuries and he was discharged from the hospital. He further submitted that already main



accused namely A1 to A6, A7, A9 were arrested on 09.06.2019 and they are still in custody. He further submitted that since the petitioners have went to ear boring ceremony along with the other accused persons they have been falsely implicated in the above case. Hence, he prayed to grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that in the ear boring ceremony, a wordy quarrel arose among the persons who were participated in the said function; that the injured person who is working as a police constable tried to pacify them, due to which the accused persons attacked the said Vignesh with iron rod. However he fairly conceded that the injured person sustained only simple injuries and he was already discharged from the hospital. However, she opposed anticipatory bail on the ground that investigation is still pending.

5. Taking into consideration the fact that the injured person has sustained only simple injuries and also discharged from the hospital and also considering the fact that the main accused persons namely A1 to A6, 8 and 9 were arrested and remanded to judicial custody and they are in custody and also the fact that specific overt act is attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Andipatti, Theni District 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:

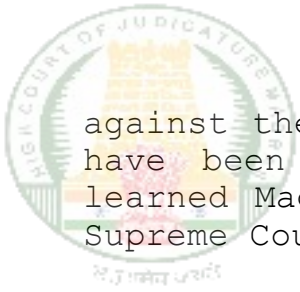
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the learned Judicial Magistrate, Andipatti, Theni District 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

1.THE JUDICIAL MAGISTRATE,ANDIPATTI,
THENI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3.THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.C.SIVANATHAMURTHY Advocate SR.No.9677

ORDER
IN
CRL OP(MD) No.8268 of 2019
Date :14/06/2019

AAV

PK/JC/SAR-4/20.06.2019 : 3P/6C