



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 19/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8352 of 2019

1. K.Punniyamoorthi
2. P.Anjamal
3. P.Sathiriya

... Petitioners/Accused No.1 to 3

Vs

State rep.by,
The Inspector of Police,
Papanadu Police Station
Thanjavur District
Cr.No.120 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Mohideen Basha,
Advocate.

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

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

PRAYER :-

For anticipatory bail in Crime No.120 of 2019 on the file of the respondent

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 and 506(ii) IPC, in Crime No.120 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed to grant anticipatory bail to the petitioners.



3. The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that there was a pathway dispute between parties, due to which the petitioners assaulted the defacto complainant with deadly weapons and caused injuries. However, she fairly conceded that the injured has been discharged from the hospital.

4. Taking into consideration of the fact that the dispute arose between the parties on account of pathway and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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, Orathanadu, Thanjavur, 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 two 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/-
19/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT

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

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

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

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.9975

ORDER

IN

CRL OP (MD) No.8352 of 2019

Date :19/06/2019

DAS

PK/JC/SAR-2/24.06.2019 : 3P/6C