



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8377 of 2019

1. Dhayalan
2. Sahadevan
3. Thamodharan
4. Rajasekaran

... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
Crime No.41 of 2019.

... Respondent/Complainant

For Petitioners: M/s.M.S.Jeyakarthik,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no.41 of 2019 on 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 294(b), 341, 323, 379 and 506(ii) of IPC, in Crime No.350 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that after filing this petition, the fourth petitioner was arrested by the respondent police and remanded to judicial custody and hence, the petition has become infructuous against the fourth petitioner is concerned. He further submitted that insofar the petitioner 1, 2 & 3 is concerned, as per the First Information Report, due to the previous enmity, the petitioners assaulted the



defacto complainant and criminally intimidated him. He further submitted that the injured sustained only simple injuries and also he was discharged from the hospital and therefore, he prayed anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners have assaulted the defacto complainant and criminally intimidated him and hence, she opposed this petition. However, she fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital.

5. Taking into consideration the fact that the injured person sustained only simple injuries and he was also discharged from the hospital and also the fact that already the fourth petitioner was arrested by the respondent police, this Court is inclined to grant anticipatory bail to the petitioners 1,2 & 3 with certain conditions.

6. Accordingly, the petitioners 1,2 & 3 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, Ilayangudi, that the third petitioners 1,2 & 3 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, 2 & 3 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 1,2 & 3 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 1,2 & 3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 1,2 & 3 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 third petitioner in accordance with law as if the conditions have been imposed and the third petitioner 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)



(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The fourth petitioner was arrested by the respondent police. Accordingly, this petition is dismissed as infructuous in so far as the fourth petitioner is concerned.

sd/-
21/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ILAYANGUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/s.M.S.Jeyakarthik, Advocate. SR.No.10228

ORDER
IN
CRL OP(MD) No.8377 of 2019
Date :21/06/2019

MS/VR/SAR-3/26.06.2019/3P.6C