



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8378 of 2019

1. Prabhu,
2. Palanisamy,
3. Murugesan,

... Petitioners/Accused 1 to 3

Vs

The state by
The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
(Cr.No.121 of 2019).

... Respondent/Complainant

For Petitioners : M/s.D.Venkatesh,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For anticipatory bail in cr.no.121 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 offence punishable under Sections 294(b), 323 and 506(i) of IPC and Section 4 of TNPWH Act, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to dispute regarding pathway between the parties, a false case has been foisted against the petitioners. He further submitted that already civil dispute is pending between the parties. He further submitted that the case and counter case has been registered and the injured person sustained only simple injury and he was already discharged from the hospital. Hence, he prayed for

granting anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor has submitted that the de-facto complainant and the third petitioner are relatives. He further submitted that due to dispute regarding pathway, the petitioners attacked the de-facto complainant and caused injury. Hence, he strongly opposed this petition. However, he fairly conceded that the injured person sustained only simple injury and he was already discharged from the hospital.

5.Taking into consideration of the fact that already civil dispute is pending between the parties and also considering the fact that the injured person sustained only simple injury and he was already discharged from the hospital, 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, Vedachandur and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]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.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[d]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].

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

sd/-

17/06/2019

/ TRUE COPY /



TO

1. The Judicial Magistrate, Vedachandur.
 2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
 3. The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.D.VENKATESH, Advocate (SR-9887[I] dated 18/06/2019)

ORDER
IN
CRL OP(MD) No.8378 of 2019
Date :17/06/2019

sjj

AE/JC/SAR-III (25.06.2019) 3P 6C