



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twentieth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8594 of 2019

1 A.SARAVANAN

2 P.BALASUBRAMANIAN @ BALU

3 V.RAJAKUMAR @ RAJKUMAR

4 K.MANIKANDAN @ MANI

5 M.RAJAN @ SATHISH

... PETITIONERS / ACCUSED NOS.2 TO 6

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.

(CRIME NO. 258 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.I.PINAYGASH Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

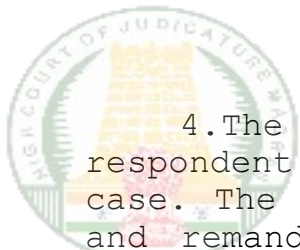
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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, 294 (b), 324, 341 and 506 (ii) of IPC, in Crime No.258 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 14.06.2019, while the defacto complainant and his mother cultivating their land, the petitioners entered into the said land and requested the defacto complainant to switch on the motor for bathing in the well. But the defacto complainant has refused their request. Hence, the petitioners assaulted the defacto complainant and his mother with stick. He further submitted that the injured persons sustained only simple injuries and also they were 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 totally seven accused involved in this case. The petitioners herein are A2 to A6. A1 was already arrested and remanded to judicial custody. He further 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 they were already discharged from the hospital.

5. Taking into consideration the fact that the injured persons sustained only simple injuries and they were also 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, No.II, Kulithalai, Karur 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 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 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/-
20/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITAH LAI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

+1. CC to M/S.I.PINAYGASH Advocate SR.No. 10111

ORDER

IN

CRL OP (MD) No.8594 of 2019

Date :20/06/2019

JM/VR/SAR 4/25.06.2019/3P/6C