

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8668 of 2019

1. Venkatraman,
2. Dhanalakshmi @ latha,
3. Vijaya Santhi, ... Petitioners/Accused Nos.1 to 3

Vs

The Inspector of Police,
Tiruppathur Police Station,
Sivagangai District.
(Cr.No.111/2019). ... Respondent/Complainant

For Petitioners : M/s.Rm.Arunswaminathan,
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.111/2019 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 294 (b), 324 and 506 (ii) of IPC, in Crime No. 111 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, due to civil dispute the petitioners assaulted the defacto complainant and criminally intimidated him. He further submitted that he was already discharged from the hospital, and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner assaulted the defacto complainant and criminally intimidated him. Hence, he opposed this petitioner. However, she fairly conceded that the injured was discharged from the hospital.

5.Taking into consideration of the aforesaid fact that injured sustained only simple injury and he was 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 Court, Thirupathur, Sivagangai 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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and petitioners 2 & 3, who are being the women, should appear before the respondent police for a period of one week,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/-

21/06/2019

(*)CORRECTED AS PER THE ORDER OF HON`BLE COURT

MADE IN CRL OP(MD)NO.8668 of 2019 VIDE

ORDER DATED:01.07.2019

/ TRUE COPY /

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 21.06.2019 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.

2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
TIRUPPATHUR POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to MR.R.M.ARUN SWAMINATHAN, Advocate (SR-10229[I] dated
21/06/2019)

ORDER
IN
CRL OP(MD) No.8668 of 2019
Date :21/06/2019

dss

AE/JC/SAR-III (25.06.2019) 4P 6C
TK/PN/SAR.3/08.07.2019/3P/6C