



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 24/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8818 of 2019

1. Muthukaruppan
2. Lakshmi
3. Arunkumar

... Petitioners/Accused No.1 to 3

Vs

The State rep. By
The Inspector of Police,,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.240 of 2019).

... Respondent/Complainant

For Petitioners: M/s. K.Baalasundharam
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor,

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

PRAYER :-

For Anticipatory Bail in Crime No.240 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 offences punishable under Sections 294(b), 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.240 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners and defacto complainant are neighbours and due to money transaction, they have been falsely implicated in this case. He further submitted that the injured person sustained only simple injury and she has already been discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioners.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that due to money



dispute, the petitioners attacked the defacto complainant and caused simple injuries. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that the injured person has already been discharged from the hospital and that the petitioners have no previous case.

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4. Taking into consideration of the aforesaid facts, also the fact that the injured person sustained only simple injury and she has already been discharged from the hospital and also the fact that the petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners by imposing 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, Aranthangi, Pudukottai District on condition that each of the petitioners 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of one week and thereafter, as and when required for the interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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)AIR SCW 5560]**.

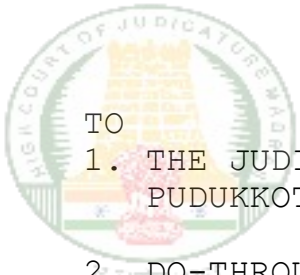
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI,
PUDUKKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. K.BAALASUNDHARAM Advocate SR.No.10375

ORDER

IN

CRL OP(MD) No.8818 of 2019

Date :24/06/2019

MS/VR/SAR-2/27.06.2019/3P.6C