



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

Date : 02/07/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8965 of 2019

1. A.Murugesan,,
2. Sethulakshmi, ... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,,
Cinnamanur Police Station,
Theni District.
(Cr.No.339 of 2019). ... Respondent/Complainant

For Petitioner : M/s.V.Sankaranarayanan,
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 Crime No.339 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 427, 506(ii) of IPC and Section 4 of Tamil Nadu Prevention of Women Harassment Act, in Crime No.339 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have not committed any offence and they have been falsely implicated in the above case. He has further submitted that the injured person has already been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners and defacto complainant are close relatives and already, civil suits are pending between them. However, he opposed to grant anticipatory bail to the petitioners, as investigation is pending. However, he conceded that



the petitioners have no previous case.

4. Taking into consideration of the submissions made by the learned counsel for the petitioners that the second petitioner is the sister of the defacto complainant and already, civil suit is pending before the District Munsif Court, Uthamapalaym and also the fact that injured person sustained only simple injury and she was already discharged from the hospital, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Uthamapalayam, Theni District on condition that the 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 three weeks and thereafter, as and when required for the interrogation.

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

[d] the petitioners 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 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].

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

sd/-
02/07/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
CINNAMANUR POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.V.SANKARA NARAYANAN, Advocate (SR-10988[I] dated
03/07/2019)

ORDER

IN

CRL OP (MD) No.8965 of 2019

Date : 02/07/2019

VS

AE/JC/SAR-II (09.07.2019) 3P 6C