



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9159 of 2019

1. Pon Muniyasamy,
2. Jothi,
3. Thilagavathi,,
4. Arumugam,,
5. Jegan @ Hariharajegan,
6. Hariharan @ Marilingam, ... Petitioners/Accused 1,3 to 7

Vs

State rep.by
The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi.
(Cr.No.106/2019). ... Respondent/Complainant

For Petitioners : Mr.V.Nirmal Kumar,
Advocate.
For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

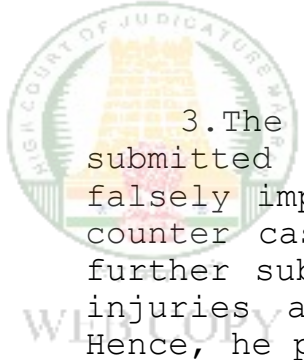
For Anticipatory bail in Cr.No.106/2019 on the file of the respondent police.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(i) IPC, in Crime No.106 of 2019, seek anticipatory bail.

2. Heard both sides.

The case of the prosecution is that due to money dispute , the petitioners threatened the defacto complainant by using filthy language and also assailed him. Hence, the complaint has been registered.



3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that a counter case has also been registered in Crime No.107 of 2019. He further submitted that the injured person has sustained only simple injuries and he has already been discharged from the hospital. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that injured person has already been discharged from the hospital. However, she opposed the anticipatory bail application on the ground that investigation is still pending.

5.Taking into consideration of the fact that there was a money dispute between the petitioners and the defacto complainant and counter case has also been registered against the defacto complainant and also the fact that the injured person sustained only simple injuries and 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, Vilathikulam, Thoothukudi 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.

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
 - 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
THOOTHUKUDI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.V.NIRMAL KUMAR, Advocate (SR-10869[I] dated
02/07/2019)

ORDER
IN
CRL OP(MD) No.9159 of 2019
Date :28/06/2019

LS
TK/VR/SAR-III (04.07.2019) 3P 6C