



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.916 of 2019

1 APPATHURAI
2 THENKARAI MAHARAJAN
3 IYYAMPERUMAL

... PETITIONER/ACCUSED 1 to 3

Vs

THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION,
NAGERCOIL.
(CRIME NO.85/2018)

... RESPONDENT/RESPONDENT

For Petitioners : MR.M.P.SENTHIL, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i) and 427 of IPC in Cr.No.85 of 2018 seek anticipatory bail.

2. The case of the prosecution is that due to business rivalry the petitioners herein abused the defacto complainant, assaulted him and damaged the cable wire.

3. The learned counsel for the petitioners would submit that it is a case in counter and on the complaint given by the petitioners, the case was also registered against the de-facto complainant .

4. The learned Government Advocate(Crl.Side) would submit that due to business rivalry between the parties, case and counter case have been lodged by the respective parties. .

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Boothapandi 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/01/2019

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

TO

1 THE JUDICIAL MAGISTRATE, BOOTHAPANDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION, NAGERCOIL.

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

+1. CC to MR.M.P.SENTHIL, Advocate SR.No.1243

ORDER IN

CRL OP(MD) No.916 of 2019

Date :23/01/2019