



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9395 of 2019

1.Sivaraj Kumar
2.Karthik

... Petitioners 1 and 2/Accused
No.1 and 2

Vs

State rep.by
The Sub Inspector of Police,,
Avudaiyar Kovil Police Station,
Avudaiyar Kovil,
Pudukkottai District.
Crime No.78 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.Muthalraj,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.78 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), 323 and 506(i) of IPC, in Crime No.78 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that a false case has been registered against the petitioners. He further submitted that the injured sustained only simple injury and he has already been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that investigation is still pending. Thus, she opposed this petition. However, she fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital.

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5. Taking into consideration the fact that the injured sustained only simple injury and he has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing 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 Judicial Magistrate Court, Aranthangi, Pudukkottai 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.

sd/-

03/07/2019

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TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,,
AVUDAIYAR KOVIL POLICE STATION,
AVUDAIYAR KOVIL,
PUDUKKOTTAI DISTRICT.

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

+1. CC to Mr.NA.PALANIYANDI Advocate SR.No.10923

ORDER

IN

CRL OP(MD) No.9395 of 2019

Date :03/07/2019

vsg

TK/VR/SAR.3/11.07.2019/3P/6C