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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9503 of 2019

1. Karthi,
2. Bhavani,

... Petitioners/Accused 1 & 2

Vs

State rep.by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District,
(Crime No. 151/ 2019).

... Respondent/Complainant

For Petitioners : M/s.S.M.Sanjay,
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.151 /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 109, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.151 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and 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 on 01.07.2019 and hence, he prayed for grant of anticipatory bail to the petitioners.



3. The learned counsel appearing for the petitioners has further submitted that the petitioners are bank employees and hence, if any condition is imposed directing the petitioners to appear before the respondent, that may be at 9.00 a.m.

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4. The learned Additional Public Prosecutor appearing for the respondent has submitted that due to family 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.

5. Taking into consideration of the aforesaid facts and also the fact that the injured person sustained only simple injury and she has already been discharged from the hospital and also the submission made by the learned counsel for the petitioners that the petitioners are bank employees, 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 learned Judicial Magistrate, Devakottai on condition that the petitioners shall each 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:

[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 9.00 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/-
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
 - 2 DO THRO' THE CHIEF JUDICAIL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.M.SANJAY, Advocate (SR-11419[I] dated 10/07/2019)

ORDER
IN
CRL OP(MD) No.9503 of 2019
Date :09/07/2019

VS
AE/JC/SAR-II (18.07.2019) 3P 6C