



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22496 of 2018

1 SILAMBARASAN

2 ARAVINDHAN

... PETITIONERS / ACCUSED No. 1 & 4

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
MELATTUR POLICE STATION,
MELATTUR, THANJAVUR DISTRICT.
(CR.NO.100 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.J.PAREKHKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/Accused 1 to 4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 & 506(ii) IPC in Crime No.100 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 09.12.2018, the first petitioner along with one Kaviyarasan and one Prakash came to the defacto complainant's house and scolded him in filthy language and also attacked him. One Vignesh was also attacked by the first petitioner. Hence, the present complaint has been registered.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they had nothing with the alleged crime. He further submits that the petitioners were also attacked by the defacto complainant and in this regard, Cr.No.101 of 2018 has been lodged. Hence, anticipatory bail may be granted to them.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.Side) appearing for the



respondent would submit that this is a case of case in counter and in this case, injured have been discharged from the hospital and investigation is almost over.

5. Considering the fact that this is a case of case and counter case and injured have been 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 before the learned Judicial Magistrate, Thanjavur and on their executing 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 learned Magistrate concerned and on further condition that

[a] if the petitioners failed 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 daily at 10.00 a.m for a period of two weeks and thereafter 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/-

04/01/2019

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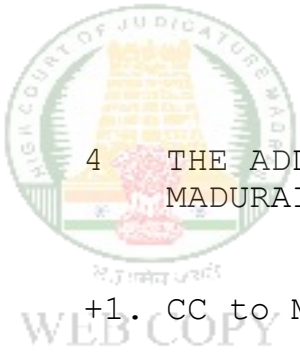
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
MELATTUR POLICE STATION,
MELATTUR, THANJAVUR DISTRICT.



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

+1. CC to MR.J.PAREKHKUMAR Advocate SR.No. 253

ORDER

IN

CRL OP (MD) No.22496 of 2018

Date :04/01/2019

MSI/JC/SAR-I/09.01.2019-3P/6C