



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9779 of 2019

1.Muthulakshmi
2.Karthika
3.Lakshmi
4.Muruga Jothi

... Petitioners/Accused
Nos.Rank Not Known

Vs

The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No. 186 of 2019.

... Respondent

For Petitioners : M/s.C.Sivanthamurthy,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

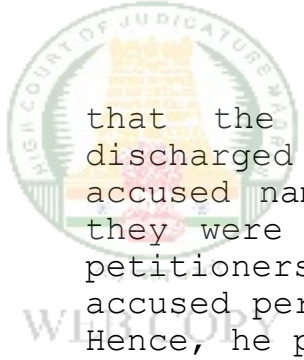
For Anticipatory Bail in Crime No. 186 of 2019 on the file of
the Respondent police

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
147,148,332,353, 506(ii) and 307 of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have
submitted that there is no overt act attributed against the
petitioners herein. He further submitted that even as per the First
Information Report A1 alone attacked Vignesh. He further submitted



that the injured sustained only simple injuries and he was discharged from the hospital. He further submitted that already main accused namely A1 to A6, A7, A9 were arrested on 09.06.2019 and they were released on bail. He further submitted that since the petitioners have went to ear boring ceremony along with the other accused persons they have been falsely implicated in the above case. Hence, he prayed to grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that in the ear boring ceremony, a wordy quarrel arose between the defacto complainant and the petitioners herein and the injured person who is working as a police constable tried to pacify them, due to which the accused persons attacked the said Vignesh with iron rod . However he fairly conceded that the injured person sustained only simple injuries and he was already discharged from the hospital. However, she opposed anticipatory bail on the ground that investigation is still pending.

5.Taking into consideration the fact that the injured person has sustained only simple injuries and also discharged from the hospital and also considering the fact that the main accused persons namely A1 to A6, 8 and 9 were arrested and remanded to judicial custody and subsequently released on bail and some of the accused persons were released on anticipatory bail , 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, Theni District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 learned Judicial Magistrate, Aundipatti, Theni District, daily at 10.30 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.

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



[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/-
11/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
AUNDIPATTI, THENI DISTRICT.
 2. DO-TROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.C.SIVANTHAMURTHY Advocate SR.No.11533

ORDER
IN
CRL OP(MD) No.9779 of 2019
Date : 11/07/2019

aav
TK/VR/SAR.4/22.07.2019/3P/6C