



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9755 of 2019

1. Chinnadurai
2. Muniyasamy
3. Ponnuthai

... Petitioners/Accused Nos.1 to 3

Vs

State Rep.by
The Inspector of Police,
Nalattinuthur Police Station,
Thoothukudi District.
(Crime No.110/2019).

... Respondent/Complainant

For Petitioner : M/s.G.Thalaimutharasu,
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 Cr.No.110 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 341, 294 (b), 323 and 506 (ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No. 110 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the FIR, due to previous enmity, on 01.07.2019, while the defacto complainant proceeding towards his house at Thippanuthu on his two wheeler, the petitioners waylaid the defacto complainant and attacked him with wooden log and



caused injury. Further, the petitioners caused damage to the defacto complainant's Motor Cycle worth about Rs.1000/-. He further submitted that the injured sustained only simple injury and he was also discharged from the hospital, and hence, he prayed for grant of anticipatory bail to the petitioners.

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4.The Additional Public Prosecutor appearing for the respondent has submitted that due to previous enmity, the petitioners assaulted the defacto complainant and criminally intimidated him and also caused a damage to the defacto complainant's Motor Cycle worth about Rs.1000/-. Hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injury and he was also discharged from the hospital.

5.Considering the submissions made by the learned counsel for the petitioners due to previous enmity, the defacto complainant has lodged a complaint against the petitioners and also the submissions made by the learned Additional Public Prosecutor that the injured sustained only simple injury and he was already discharged from the hospital and also the fact that the petitioners have ready to pay the damage amount of Rs.1000/-, this Court is inclined to grant anticipatory bail to the petitioners by imposing 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, No.I, Kovilpatti, 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:

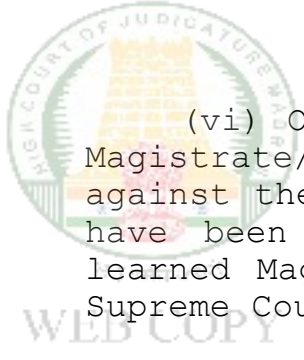
[i]the petitioners shall deposit a sum of Rs.1000/- (Rupees One thousand only) to the credit of Crime No.110 of 2019 before the Judicial Magistrate, No.I, Kovilpatti, without prejudice their defence before the trial Court;

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.



(vi) 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NALATTINPUTHUR POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.12296

ORDER

IN

CRL OP(MD) No.9755 of 2019

Date :24/07/2019

MS/PN/SAR-4/30.07.2019/3P.6C