



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

Date : 22/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9927 of 2019

1.Chandrasekaran

2.Ganesan

... Petitioners/Accused Nos 5 & 6

Vs

State through,
The Inspector of Police,
Karivalamvantha Nallur Police Station,
Tirunelveli District.
Cr. No. 198 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Seeni Sulthan,
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. 198 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, 294 (be), 307 and 506 (ii) of IPC in Crime No.198 of 2019, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners even as per
the FIR, due to previous enmity, the petitioners along with other
accused persons assaulted the defacto complainant with Iron rod &
wooden log and criminally intimidated him. He further submitted that
the name of the petitioners not mentioned in the FIR and A1 to A4



were already released on bail. He further submitted that the injured sustained only simple injury and also he was discharged from the hospital and therefore, he prayed anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have assaulted the defacto complainant and criminally intimidated him and hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital.

5. Taking into consideration the fact that in the FIR, the name of the petitioners not mentioned and only it is mentioned that two unknown persons came along with A1 to A4 and assaulted the injured and also the fact that the injured was discharged from the hospital and also the fact that already A1 to A4 were arrested and subsequently released on 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 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, Sankarankovil, Tirunelveli 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:

[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 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.

[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.

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/ TRUE COPY /

sd/-
22/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE
SANKARANKOVIL, TIRUNELVELI DISTRICT
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARIVALAMVANTHA NALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.SEENI SULTHAN Advocate SR.No.12123

ORDER
IN
CRL OP(MD) No.9927 of 2019
Date :22/07/2019

dss
PK/VR/SAR-3/25.07.2019 : 3P/6C