

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10217 of 2019

1. Raja,
2. Rajapandian,
3. Arunpandian, ... Petitioners/Accused No.1 to 3

Vs

State rep by
The Inspector of Police,
Veerapandi Police Station, Theni District
(Crime No.288 of 2019).

... Respondent/Complainant

For Petitioner : M/s.K.Mathan,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.288 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 294(b),
341, 324 and 506(ii) of IPC in Crime No.288 of 2019, seek
anticipatory bail.

2.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent and they have been

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falsely implicated in this case. He further submitted that the injured person sustained only simple injury and he has already been discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioners.

3.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners attacked the defacto complainant with cricket stump 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.

4.Taking into consideration of the aforesaid facts and also the fact that the injured person sustained only simple injury and he has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5.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, Theni, Theni District 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 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.

sd/-
05/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
THENI DISTRICT
- 2 DO THROUGH:
THE CHEIF JUDICIAL MAGISTRATE
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.10217 of 2019
Date :05/08/2019

KM/PN/SAR-III (14.08.2019) 3P 5C

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