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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.10238 of 2019

1. Sathiskumar,  
2. Ragupathi,,  
3. Vasanthakumari, ... Petitioner/Accused No.1 to 3

Vs

The state rep by  
The Inspektor of Police,  
Thiruppanandal Police Station,  
Thanjavur District.  
(Cr.No.108 of 2019). ... Respondent/Complainant

For Petitioners : M/s.Na.Karunanithi,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.108 of 2019 on the file of the Respondent police.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324, 506 (ii) of IPC r/w Section 4 of TNPWH Act, in Crime No.108 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that



the petitioners already lodged a complaint against the defacto complainant and as a counter blast, the defacto complainant has lodged a false complaint stating that the petitioners herein assaulted the defacto complainant and his family members and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (criminal side) appearing for the respondent has submitted that on 09.06.2019, the first petitioner/A1 misbehaved with the defacto complainant's sister, which was questioned by the defacto complainant, at that time, the petitioners were assaulted the defacto complainant and his family members with aruval and iron rod and hence, she strongly opposed the petition. However, she fairly conceded that the injured persons have sustained simple injuries and they have already discharged from the hospital. She also conceded that a counter case has also been registered.

5.Taking into consideration of the aforesaid fact that already based on the complaint given by the petitioners a case was registered against the defacto complainant and also the fact that the injured persons sustained only simple injuries and also discharged from the hospital and also the fact that both the parties are relatives, 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, Kumbakonam, Thanjavur District, 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) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

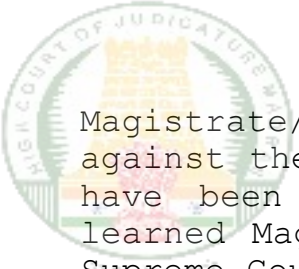
(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

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

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

(v) 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].

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

sd/-  
22/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE  
KUMBAKONAM, THANJAVUR DISTRICT
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE  
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE  
THIRUPPANANDAL POLICE STATION,  
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.NA.KARUNANITHI Advocate SR.No.12079

ORDER  
IN  
CRL OP(MD) No.10238 of 2019  
Date :22/07/2019

KM/JC/SAR-III (06.08.2019) 3P 6C