



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

Date : 02/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.10595 of 2019

1. S.Vadivel
2. U.Muruganandam
3. Krishnan
4. V.Kavitha,
5. V.Vigneswaran
6. M.Nambuthai
7. K.Sethulakshmi

... Petitioners/Accused Nos.1 to 3
and 5 to 8

Vs

State rep.by,
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.90 of 2019).

... Respondent/Complainant

For Petitioners: M/s.R.Murugan,
Advocate.

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

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

PRAYER :-

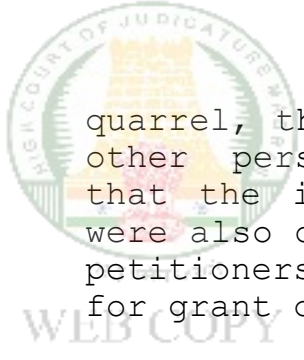
for Anticipatory bail in Crime No.90 of 2019 on the file of the
respondent police

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 (b), 323, 324 & 506 (ii) of IPC and 4 of TNPWH Act, in
Crime No.90 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that even as per the FIR, on 21.07.2019, due to wordy



quarrel, the petitioners assaulted the defacto complainant and two other persons and criminally intimidated them. He further submitted that the injured persons sustained only simple injuries and they were also discharged from the hospital. He further submitted that the petitioners are not having bad antecedents, and therefore, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that 7th petitioner was arrested and remanded to judicial on 22.07.2018. She further submitted that it is a case in counter case. Due to wordy quarrel, the petitioners assaulted the defacto complainant and other two persons and criminally intimidated them. Hence, she opposed this petition. However, she fairly conceded that the injured sustained only simple injuries and they were also discharged from the hospital and no previous case is pending against the petitioners.

5. Taking into consideration of the submission made by the learned counsel for the petitioners that the injured persons sustained only simple injuries and they were already discharged from the hospital and also a counter case was registered in Crime No.91 of 2019, this Court is inclined to grant anticipatory bail to the petitioners 1 to 6 with certain conditions. Insofar as 7th petitioner is concerned, she was already arrested and remanded to judicial custody on 22.07.2018. Hence, this petition is dismissed against 7th petitioner concerned.

6. Accordingly, the petitioners 1 to 6 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 The Judicial Magistrate, No.II, Ramanathapuram, on condition that the petitioners 1 to 6 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 1 to 6 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 1 to 6 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 1 to 6 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 1 to 6 shall not abscond either during investigation or trial.



(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]**.

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

sd/-
02/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.MURUGAN Advocate SR.No.12793

ORDER
IN
CRL OP(MD) No.10595 of 2019
Date : 02/08/2019

dss
PK/PN/SAR-2/06.08.2019 : 3P/6C