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

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10685 of 2019

1.Jamil Khan
2.Kathija Begam
3.Amanullah
4.Subura Beevi
5.A.Mohamed Ali ... Petitioners/A-1 to A-5

Vs

State rep.by
The Inspector of Police,
K.Pudur Police Station,
Madurai City
Crime No.339 of 2019 ... Respondent/Complainant

For Petitioners: M/s.A.K.Manickam, 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 Crime No. 339 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The learned counsel for the petitioners has filed a memo and the same is recorded.

2.The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294 (b), 427, 323, 506 (ii) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Woman Act, 1998, in Crime No.339 of 2019, seek anticipatory bail.

3. Heard both sides.

4.The learned counsel appearing for the petitioners has submitted that even as per the FIR, the dispute arose between the

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petitioners and the defacto complainant with regard to play foot ball. The petitioners attacked the defacto complainant with hands and caused injury and damaged the window of the house. He further submitted that the injured sustained only simple injuries and he was already discharged from the hospital and therefore, he prayed anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted the dispute arose between the petitioners and the defacto complainant with regard to play foot ball and the petitioners have assaulted the defacto complainant and criminally intimidated him and caused damage of Rs.1,000/- and hence, she opposed this petition. She further submitted that a case and counter case have been registered. However, she fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital.

6.Taking into consideration the fact that the injured person sustained only simple injuries and he was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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-VI, Madurai, 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.

(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

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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.

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

TO

1.THE JUDICIAL MAGISTRATE No.VI
MADURAI.

2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.K.MANICKAM Advocate SR.No.12436

ORDER
IN
CRL OP(MD) No.10685 of 2019
Date :29/07/2019

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TK/VR/SAR.4/19.08.2019/3P/6C

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