

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10733 of 2019

1.Muthupandi @ Pandi
2.Subramanian
3.Manikandaprabu
4.Murugan

... Petitioners/Accused Nos.1 to 4

Vs

State through
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No.135 of 2019

... Respondent/Complainant

For Petitioners: M/s.C.Susikumar,
Advocate.

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

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

PRAYER :-

for Anticipatory bail in Crime No.135 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,
294 (b), 323, 324, 427 and 506 (ii) of IPC, in Crime No.135 of 2019,
seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that due to previous enmity, wordy quarrel arose between
the petitioners and the defacto complainant. The petitioners
assaulted the defacto complainant and criminally intimidated him. He
further submitted that it is a case in counter. Already, the defacto

complainant along with his men attacked the petitioners and a complaint was lodged against the defacto complainant in Crime No.136 of 2019. As a counter blast, the defacto complainant, lodged the present case. He further submitted that the injured sustained only simple injuries and also he was discharged from the hospital and therefore, he prayed anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that it is a case in counter case and the petitioners have assaulted the defacto complainant and criminally intimidated him. He further submitted that the petitioners caused damage to the window glass of the house worth about Rs.1,000/- and hence, she opposed this petition. However, she fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital.

5.Taking into consideration the facts and also counter case has been registered and also 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.

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, Srivaikundam, 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) the petitioners shall deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of Crime No.135 of 2019 before the learned Judicial Magistrate, Srivaikundam, without prejudice to their defence before the trial Court;

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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.

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

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

(vi) 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].

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

sd/-
30/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
SRIVAICKANDAM
2. DO-TROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ERAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.SUSIKUMAR Advocate SR.No.12680

ORDER
IN

CRL OP(MD) No.10733 of 2019
Date : 30/07/2019

dss

TK/VR/SAR.1/06.08.2019/3P/6C