



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10887 of 2019

1. Maheshwaran

2. R.Natarajan

... Petitioners/Accused Nos.1 & 2

-Vs-

State Rep.by

The Inspector of Police,

Vangal Police Station,

Karur District,

Crime No.172 of 2019.

... Respondent/Complainant

For Petitioners: M/S.Gokul Raj,
Advocate.

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

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

PRAYER :-

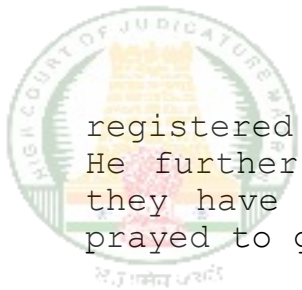
for Anticipatory bail in Crime No.172 of 2019 on the file of the Respondent Police.

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), 323, 427 and 506 (ii) of IPC, in Crime No.172 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, due to previous enmity, on 23.07.2019, during the night hour, the petitioners caused damage worth about Rs.20,000/- to the water tank and canal, which were used for agricultural purpose. On 24.07.2019, at about 08.00 a.m, the petitioners attacked the defacto complainant and criminally intimidated him. He further submitted that a counter case has been



registered against the defacto complainant in Crime No.173 of 2019. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case, and therefore, he prayed to grant for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that it is a case and case in counter and the petitioners have assaulted the defacto complainant and criminally intimidated him. He further submitted that the petitioners caused damage worth about Rs.20,000/- to the water tank and canal, which were used for agricultural purpose, 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, No.II, Karur, 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:

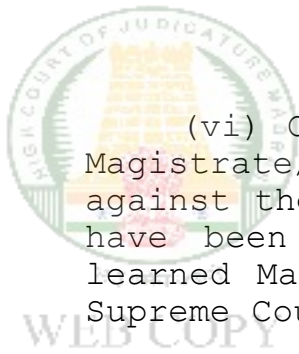
(i) each petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.172 of 2019 before the learned Judicial Magistrate, No.II, Karur, without prejudice to their defence before the trial Court before executing bail bond;

(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/-

02/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KARUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 3. THE INSPECTOR OF POLICE,
VANGAL POLICE STATION, KARUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/.S.GOKUL RAJ Advocate SR.No.12813

ORDER

IN

CRL OP(MD) No.10887 of 2019

Date :02/08/2019

MS/VR/SAR-1/06.08.2019/3P.6C