

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 21/08/2019  
PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.11056 of 2019**

1. Mani Alias Manikandan,  
2. Ajith @ Ajithmurugan,  
3. Suriya,  
4. Dombu @ Ajithkumar,  
5. Arul @ Arunkumar, ... Petitioners/Accused  
Vs

The State represented by  
The Inspector of Police,  
Alangudi Police Station,  
Pudukkottai District.  
(Crime No.121 of 2019). ... Respondent/Complainant

For Petitioners : M/s.M.Karthikeya Venitachalapathi,  
Advocate.

For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No.121 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, 341, 294(b), 324, 506(ii) and 307 of IPC, in Crime No.121 of  
2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has  
submitted that as per the F.I.R, it was A-3, who attacked the  
defacto complainant with aruval on his forehead and caused injury.  
He further submitted that the allegation made against the  
petitioners herein is that they have attacked the defacto

complainant with wooden logs. He further submitted that even in the F.I.R, the defacto complainant and his friends have attacked the brother of A-3 with aruval and with regard to the same, a case has been registered and he further submitted that only with a view to escape from the said case, the defacto complainant has lodged a false complaint against the petitioners herein. He further submitted that third accused was already arrested and remanded to judicial custody and the injured was discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioners.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that on 14.07.2019, the defacto complainant and his friends have attacked the brother of A-3 and caused serious injuries and with regard to the same, an F.I.R has been registered in Cr.No.118 of 2019 under Section 307 I.P.C and thereafter, on 15.07.2019 at about 8.30 p.m, when the defacto complainant was going in a bus, the petitioners herein and A-3 have intercepted the said bus and after alighting the defacto complainant and his friend Manikandan, all the accused persons have attacked the defacto complainant with deadly weapons and hence, the defacto complainant was admitted in the hospital on 15.07.2019 itself and he was discharged only today (21.08.2019). Hence, he opposed this petition. However, he fairly conceded that A-3 was already arrested and subsequently, released on bail.

4.Taking into consideration of the fact that already, a case has been registered against the defacto complainant and his friend under Section 307 I.P.C and also the fact that already, A-3 was arrested and subsequently, he was released on bail and also the fact that the injured person was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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, Alangudi on condition that the petitioners shall each 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
21/08/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE, ALANGUDI
- 2.THE CHIEF JUDICAIL MAGISTRATE,  
PUDUKOTTAI DISTRICT
- 3.THE INSPECTOR OF POLICE  
ALANGUDI POLICE STATION,  
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.KARTHIKEYA VENITACHALAPA Advocate SR.No.82966

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ORDER  
IN  
CRL OP(MD) No.11056 of 2019  
Date :21/08/2019

vs  
AE/JC/SAR-II (28.08.2019) 3P 6C