



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

Date : 07/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11118 of 2019

1.Thirumoorthy
2.Nallammal

... Petitioners/Accused
No.1 and 2

Vs

State rep by
The Sub Inspector of Police,
Manaparai Police Station,
Trichy District.
Crime No.243 of 2019

... Respondent/Complainant

For Petitioners : M/s.A.P.Balasubramanian,
Advocate.

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

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

PRAYER :-

for Anticipatory bail in Crime No.243 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

The petitioners/accused No.1 and 2, who apprehends arrest at
the hands of the respondent police for the offences punishable under
Sections 294(b), 323, 506(i) of IPC and Section 4 of TNPHW Act seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit
that the petitioners are innocent and a false case has been foisted
against the petitioners. He further submitted that the injury
sustained by the defacto complainant is simple and he was already
discharged from the hospital. Hence, he prayed to grant
anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that due to previous enmity the petitioner herein abused the defacto complainant and assaulted him with wooden log. Hence he opposed to grant anticipatory bail to the petitioners. However he fairly conceded that the injured was already discharged from the hospital.

WEB COPY

5. Taking into consideration the fact that there are no specific allegation levelled against the petitioners herein and also the fact that the injuries sustained by the defacto complainant are simple and also considering the fact that the injured was already 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai 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:

[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/-

07/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
MANAPPARAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MANAPARAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.J.SIVARAM Advocate SR.No.13364

ORDER
IN
CRL OP (MD) No.11118 of 2019
Date : 07/08/2019

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