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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11143 of 2019

1. Anburaj
2. Malathi
3. Priya
4. Prakash
5. Alaguraj
6. Sivakamu

... Petitioners/Accused Rank 1 to 6

Vs

The Inspector of Police,
The Inspector of Police
Thenkarai Police Station,
Periyakulam,
Theni District,
Cr No. 324 of 2019.

... Respondent/Complainant

For Petitioners: M/s.J.Vishnu,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No. 324 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

Memo filed by the petitioners is hereby recorded. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294 (b), 323 and 306 (1) of IPC, in Crime No.324 of 2019, seek anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that as per the FIR, on 31.07.2019, at about 09.00 p.m, due to previous enmity, the petitioners assaulted the defacto complainant and criminally intimidated him. 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 and counter case. The petitioners have assaulted the defacto complainant and criminally intimidated him 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 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, Periyakulam, Theni District, 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 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.

sd/-

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

TO

1. The Judicial Magistrate, Periyakulam,
Theni District.
 2. Do-Through The Chief Judicial Magistrate,
Theni District.
 3. The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District,
Cr No. 324 of 2019.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. C.C. to M/S.B.JAMEEL ARASU, Advocate SR.No. 13278

ORDER

IN

CRL OP(MD) No.11143 of 2019

Date : 08/08/2019

dss

JM/09.08.2019/3P-6C