



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11361 of 2019

1. Kumar @ Muthu Kumar,
2. Subbu Subbiah, ... Petitioners/Accused Rank not known

Vs

State represented by
The Inspector of Police,
Somanathapuram Police Station
Sivagangai District(Crime No. 41 of 2019).
... Respondent/Complainant

For Petitioner : M/s.S.Kameswaran,
Advocate.

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

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

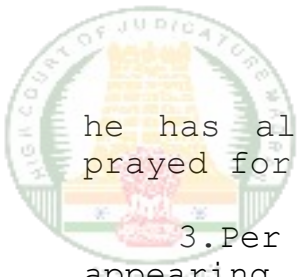
PRAYER :-

For Anticipatory Bail in Crime No. 41 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 341,
294(b), 323 and 506(i) of IPC in Crime No.41 of 2019, seek
anticipatory bail.

2.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent and due to a wordy
quarrel, they have been falsely implicated in this case. He further
submitted that the injured person sustained only simple injury and



he has already been 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 due to a wordy quarrel, the petitioners attacked the defacto complainant and caused simple injuries. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that the injured person has already been discharged from the hospital.

4.Taking into consideration of the aforesaid facts and also the fact that the injured person sustained only simple injury and he has already been 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, Karaikudi, Sivagangai District 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/-
13/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
KARAIKUDI, SIVAGANGAI DISTRICT
- 2 DO THROUGH:
THE CHIEF JUDICAIL MAGISTRATE,
SIVIAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
SOMANATHAPURAM POLICE STATION
SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. S. KAMESWARAN Advocate SR.No.13477

ORDER
IN
CRL OP(MD) No.11361 of 2019
Date :13/08/2019

KM/JC/SAR-I (20.08.2019) 3P 6C