



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11376 of 2019

1.R.Manoharan
2.M.Balakumar

... Petitioners/Accused
Nos 2 and 3

Vs

State rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.312 of 2019

... Respondent/Complainant

For Petitioners : M/s.A.C. Asaithambi,
Advocate.

For Respondent : Mrs.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. 312 of 2019 on the file of
the Respondent Police.

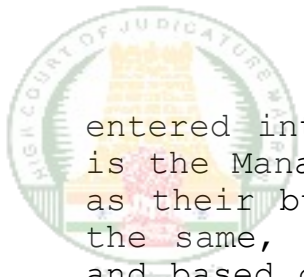
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
341, 294 (b), 353, 332 and 506 (i) of IPC, in Crime No.312 of 2019,
seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners are working as Driver and Conductor
in a Mini bus bearing Reg.No.TN 47 Y 7009 and when the said bus

<https://hcservices.ecourts.gov.in/hcservices/>



entered into the Kulithalai bus stand, the defacto complainant who is the Manager of the TNSTC Bus entered quarrel with the petitioners as their bus should not come into the Bus Stand and with regard to the same, the Manager of the said Mini Bus has lodged a complaint and based on the same, FIR has been registered in Cr.No.313 of 2019 and the defacto complainant has lodged a false complaint. He further submitted that the injured sustained only simple injury and he was also discharged from the hospital. He further submitted that in this case, A-1 was already granted anticipatory bail by this Court in Crl.O.P.(MD).No.10628/2019 on 31.07.2019. 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 case in counter and the petitioners assaulted the defacto complainant and criminally intimidated him. Hence, she opposed this petition. However, she fairly conceded that the injured sustained only simple injury and he was already discharged from the hospital and no previous case is pending against the petitioners.

5.Considering the submission made by the learned counsel for the petitioners that counter case has been registered in Crime No.313 of 2019 and also the submission made by the learned Government Advocate (criminal Side) that the injured sustained only simple injuries and he was also discharged from the hospital and also the fact that no previous case is pending against the petitioners, 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 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, Kulithalai on condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner 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/-
16/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO II,
KULITHALAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.C.ASAITHAMBI Advocate SR.No.13642

ORDER
IN
CRL OP(MD) No.11376 of 2019
Date :16/08/2019

vs
TK/VR/SAR.3/22.08.2019/3P/6C