



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11390 of 2019

1. **Selvam** @ Selva
2. Kannan @ Kanna,
3. Kanna @ Divakaran,

... Petitioners/Accused Nos.**A3,A2&A1**

Vs

State rep by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.**268** of 2019).

... Respondent/Complainant

**(Amended as per order of this Court dated 19.08.2019
made in Cr1 OP(MD)No.11390 of 2019)**

For Petitioners: M/s. S.M. Sanjay,
Advocate.

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Cr1.Side)

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

PRAYER :-

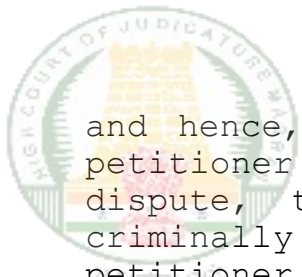
for anticipatory bail in Crime No.268 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

Memo filed by the petitioners herein recorded. The petitioners,
who apprehend arrest at the hands of the respondent police for the
offences punishable under Sections 294 (b), 448, 323 and 506 (ii) of
IPC, in Crime No.268 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that after filing this petition, the third petitioner was
arrested by the respondent police and remanded to judicial custody



and hence, the petition has become infructuous against the third petitioner is concerned. He further submitted that due to civil dispute, the petitioners assaulted the defacto complainant and criminally intimidated him. He further submitted that the third petitioner was arrested and remanded to judicial custody. He further submitted that the injured sustained only simple injuries and he did not go to hospital, and therefore, he prayed anticipatory bail to the petitioners 1 & 2.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that 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. She further submitted that the third petitioner was already arrested and remanded to judicial custody.

5.Taking into consideration the fact that the injured person sustained only simple injuries and also the fact that the third petitioner was already arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners 1 & 2 with certain conditions.

6. Accordingly, the petitioners 1 & 2 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, on condition that the petitioners 1 & 2 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 1 & 2 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 1 & 2 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 1 & 2 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 1 & 2 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.

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sd/-
19/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
KARAIKUDI
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. S.M. SANJAY Advocate SR.No.13680

ORDER
IN
CRL OP(MD) No.11390 of 2019
Date :19/08/2019

KM/JC/SAR-II(22.08.2019) 3P 5C