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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11476 of 2019

1. Alagar,
2. Murugesan,
3. Prabhakaran,
4. Rajesh,
5. Vijay,
6. Gopi, ... Petitioners/Accused 1 to 3, 6 to 8

Vs

The Inspector of Police,
Thondi Police Station, Thondi,
Ramanathapuram District
(Crime No.141 of 2019).
... Respondent/Complainant

For Petitioners : M/s. N. Pragalathan,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory Bail in Crime No.141 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 147,148,294(b), 324,379 and 307 of IPC, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has

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submitted that due to previous enmity a false case has been registered against the petitioner herein. He further submitted that the injured person was discharged from the hospital. Hence, he prayed to grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity the petitioner has abused the defacto complainant, assaulted him and threatened with dire consequences. He further submitted that the injured persons has sustained simple injuries and he was already discharged from the hospital. He further submitted that no previous case is pending against the petitioner. He further submitted that A4 and A5 was arrested and still in custody.

5.Taking into consideration the fact that the injured persons sustained only simple injuries and also been discharged from the hospital and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner 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 District Munsif Cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District on condition that the petitioners shall 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 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

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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.

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

TO

1 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUVADANAI
RAMANATHAPURAM DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
THONDI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. N. PRAGALATHAN Advocate SR.No.13688

ORDER
IN
CRL OP(MD) No.11476 of 2019
Date :19/08/2019

KM/PN/SAR-II (22.08.2019) 3P 6C

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