



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.11506 of 2019

1. Vaigunda Mani,
2. Manikandan,
3. Murugaiyan,

... Petitioners/Accused Nos.1 to 3

Vs

State represented by
The Inspector of Police,
Vadaseri Poice Station,
Kanyakumari District,
Crime No. 235 of 2019.

... Respondent/Complainant

For Petitioner : M/s. A. Thiruvadikumar,
Advocate.

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

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

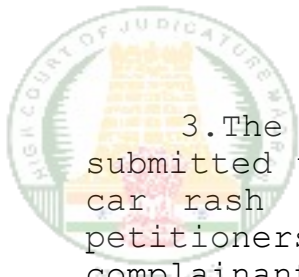
PRAYER :-

For Anticipatory Bail in Crime No. 235 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,
294 (b), 324, 323 and 506 (ii) of IPC, in Crime No.235 of 2019, seek
anticipatory bail.

2. Heard both sides.



3.The learned counsel appearing for the petitioners has submitted that as per the FIR, the defacto complainant has driven a car rash and negligence manner and hit the two wheeler of the petitioners, for which, the petitioners assaulted the defacto complainant and his friend and criminally intimidated them. He further submitted that the injured sustained only simple injuries and they were discharged from the hospital. He further submitted that already first petitioner lodged a complaint against the defacto complainant in Crime No.236 of 2019, 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. He further submitted that the petitioners have assaulted the defacto complainant and his friend and criminally intimidated them 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. 11498 of 2019 copy

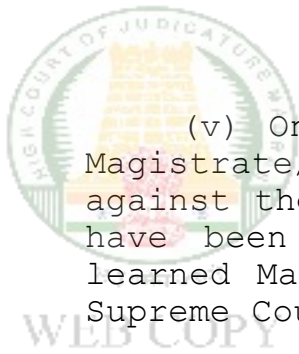
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, Thoothukudi District, on condition that the petitioners 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/-
19/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
SATHANKULAM, THOOTHUKUDI DISTRICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
VADASERI POICE STATION,
KANYAKUMARI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. A. THIRUVADIKUMAR Advocate SR.No.13696

ORDER
IN
CRL OP(MD) No.11506 of 2019
Date :19/08/2019

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