



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11555 of 2019

1.Ganesan
2.Sumathi

... Petitioners/Accused
No.1 and 2

Vs

State through
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.570 of 2019

... Respondent/Complainant

For Petitioners : M/s.V.Om Prakash,
Advocate.

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

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

PRAYER :-

for Anticipatory Bail in Crime No.570 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

The petitioners/accused Nos. 1 to 2, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 467,323,380,355 and 506(ii) of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have
submitted that due to previous enmity, a false case has been foisted
against the petitioners. He further submitted that the injured
persons has sustained only simple injuries and he has already been
discharged from the hospital. He further submitted that the
petitioners will not disturb the peaceful possession of the defacto
complainant. Hence, he prayed to grant of anticipatory bail to the
petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent has submitted that due to some civil dispute the petitioners herein attacked the defacto complainant.He further submitted that injured person has sustained simple injuries and he has already discharged from the hospital. However, he opposed anticipatory bail on the ground that investigation is still pending.

5.Taking into consideration the fact that the injured person has sustained only simple injuries and also discharged from the hospital and also considering the relationship between the parties , 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Natham 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:

[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

[g] the petitioner should not evict the defacto complainant except under due process of law.

sd/-

27/08/2019

/ TRUE COPY /

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



TO

1.THE JUDICIAL MAGISTRATE,
NATHAM.

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

3.THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to Mr. V.OM PRAKASH Advocate SR.No.14255

ORDER
IN
CRL OP(MD) No.11555 of 2019
Date :27/08/2019

TK/JC/SAR.1/05.09.2019/3P/6C