



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11550 of 2019

WEB COPY

1.P.Shanmugam Chettiar
2. S.Natchiyar
3. S.Dhandapani ... Petitioners/Accused 1,2 & 3

Vs

The State rep.by
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District
(Crime No.159 of 2019). ... Respondent/Defacto Complainant

Kalyani ..Petitioner/Intervener/Defacto Complainant
in Crl.M.P.(MD)No.7604 of 2019

For Petitioners : M/s.C.Senthil Murugan,
Advocate.

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

For intervenor : Mr.A.Arputharaj, Advocate

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

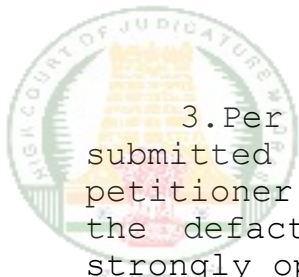
PRAYER :-

for Anticipatory Bail in Crime No.159 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 294(b),
324 I.P.C and Section 4 of TNPWH Act in Crime No.159 of 2019, seek
anticipatory bail.

2.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent and due to previous
enmity, they have been falsely implicated in this case. He further
submitted that the injured person sustained only simple injury and
he has already been discharged from the hospital and hence, he
prayed for grant of anticipatory bail to the petitioners.



3.Per contra, the learned counsel for the intervenor has submitted that defacto complainant is the own sister of the first petitioner and the petitioners have assaulted 85 years old mother of the defacto complainant and the first petitioner and hence, he strongly opposed this petition.

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4.Ms.M.Anantha Devi, learned Government Advocate (Crl.Side) appearing for the respondent has adopted the arguments advanced by the learned counsel for the intervenor and hence, she opposed this petition, as investigation is pending. However, she fairly submitted that the injured has already been discharged from the hospital

5.Taking into consideration of the aforesaid facts and also the fact that the injured person sustained only simple injury and he has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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, Paramakudi on condition that the petitioners shall each 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.

sd/-
28/08/2019

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate
(SR-14322[I] dated 29/08/2019)

ORDER
IN
CRL OP(MD) No.11550 of 2019
Date :28/08/2019

VS
ES/PN/SAR 2/06.09.2019/3P/6C