



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11711 of 2019

1. Karuppaiya,
2. Dharmadurai, ... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.17 of 2019). ... Respondent/Complainant

For Petitioners: M/s. S.J. Chakkaravarthy,
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.17 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 323 and
506 (i)IPC, in Crime No.17 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that as per the FIR, on 20.01.2019, due to previous
enmity, the petitioners assaulted the defacto complainant with
wooden log and criminally intimidated him. He further submitted that
the petitioners and the defacto complainant are close relatives. He



further submitted that the injured sustained only simple injuries and already he was discharged from the hospital and therefore, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that due to previous enmity, the petitioners have assaulted the defacto complainant with wooden log and criminally intimidated him. She further submitted that the second petitioner is having three previous cases, 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. Even though, the learned Government Advocate (Crl.Side) has submitted that the second petitioner is having three previous cases, considering the nature of the allegation made against the petitioners in this case and also the fact that the injured sustained only simple injuries and he was already discharged from the hospital, 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 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, Kamuthi, Ramanad 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:

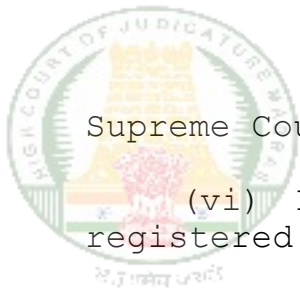
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(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



CRL OP(MD). No.11711 of 2019

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.

WEB COPY

sd/-
22/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMNAD DISTRICT.

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

3 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-13952[I] dated
22/08/2019)

ORDER
IN
CRL OP(MD) No.11711 of 2019
Date :22/08/2019

dss
AE/JC/SAR-III (29.08.2019) 3P 6C