



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

Date : 22/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11713 of 2019

1.Muthukani
2.Viji
3.Eswari

... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District,
in Crime No. 333/2019.

... Respondent/Complainant

For Petitioners: M/s.S.Selvakumar,
Advocate.

For Respondent : Mrs.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. 333 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), 342 and 324 of IPC, in Crime No.333 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, due to wordy quarrel, with regard to the pathway, the petitioners assaulted the defacto complainant and criminally intimidated him. He further submitted that already a case has been registered against the defacto complainant in Cr.No.332 of 2019. He further submitted that the injured sustained only simple injuries and also 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 it is a case and counter case and due to pathway dispute, the petitioners have assaulted the defacto complainant with stone and criminally intimidated him 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 and also the fact that already a case has been registered against the defacto complainant, 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, Tenkasi, 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 **one week** 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.

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/ TRUE COPY /

sd/-
22/08/2019

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

TO

1 THE JUDICIAL MAGISTRATE
TENKASI

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

3 THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.SELVAKUMAR, Advocate (SR-14113[I] dated 27/08/2019)

ORDER
IN
CRL OP(MD) No.11713 of 2019
Date :22/08/2019

DSS
ES/JC/SAR2/29.08.2019/3P/6C