



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.11905 of 2019

1. G.Balamurugan
2. K.Paramasivam
3. S.Murugesan

... Petitioners/Accused Nos.11 to 13

Vs

State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.177 of 2019)

... Respondent/Complainant

For Petitioners : M/s. N. Marimuthu,
Advocate.

For Respondent : M/s.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.177 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

Memo filed by the petitioner is hereby recorded.

The petitioners/accused Nos. 11 to 13, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),452,323,324,355,506(ii) of IPC and Section 4 of TNPHW Act 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. Hence, he prayed to grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that due to some property dispute the petitioners herein attacked the defacto complainant with iron rod and caused simple injury, for which a counter case has also been registered. She further submitted that injured person has sustained simple injuries and he has already discharged from the hospital. However, she 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 , 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 District Munsif cum Judicial Magistrate, Peraiyur 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] Since the petitioners 1 and 3 are Government Servants they shall report before the respondent Police as and when required for the interrogation and the second petitioner shall report 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/08/2019

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.N.MARIMUTHU Advocate SR.No.14107

ORDER
IN
CRL OP(MD) No.11905 of 2019
Date :27/08/2019

MS/VR/SAR-1/29.08.2019/3P.6C