



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12127 of 2019

1. Deniyal Kumar @ Arul Daniel Kumar,
  2. Eynsteen @ Justin Diraviam,
  3. John Velsan @ John Wilson,
  4. Britto,
  5. Mary @ Arul Mary,
  6. Seelin @ Arockia Celine Mary,
- ... Petitioners/Accused Nos.1 to 6

Vs

The State Rep by its.  
The Inspector of Police,  
Kalaiyar Kovil Police Station,  
Sivagangai District.  
(Crime No.316 of 2019).

... Respondent/Complainant

For Petitioners: M/s. S.S. Annadurai,  
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.316 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 147, 294 (b), 323 and 506 (ii) of IPC in Crime No.316 of 2019, seek anticipatory bail.

WEB COPY

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 11.08.2019, at about 02.30 a.m, due to civil dispute, the petitioners assaulted the defacto complainant's brother and criminally intimidated him. 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 the petitioners have assaulted the defacto complainant's brother 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, 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, No.I, Sivagangai, 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 1 to 4 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 and the petitioners 5 & 6 shall report before the respondent police 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.

sd/-  
30/08/2019

/ TRUE COPY /

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

TO

1. The Judicial Magistrate, No.I, Sivagangai.
2. Do-Through The Chief Judicial Magistrate,  
Sivagangai District.
3. The Inspector of Police,  
Kalaiyar Kovil Police Station,  
Sivagangai District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.M.S.JEYAKARTHIK, Advocate Sr. No. 14523

ORDER  
IN  
CRL OP(MD) No.12127 of 2019  
Date : 30/08/2019

TR/PN/SAR-III (04.09.2019) 3P 6C