



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

Date : 13/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . Nos.705 and 708 of 2020

A.Jeba Prabhu ... Petitioner/Accused 4
in Crl.O.P.No.705 of 2020
1.Mari Ganesh
2.Murugan ... Petitioners/Accused 1 & 3
in Crl.O.P.(MD)No.708 of 2020

Vs

The State rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District
Crime No.4 of 2020. ... Respondent/Complainant
in both Petitions

For Petitioner : M/s.A.Karthik, Advocate.
in Crl.O.P.No.705 of 2020

For Petitioners : M/s.M.S.JeyaKarthik, Advocate.
in Crl.O.P.No.708 of 2020

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
in both petitions

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

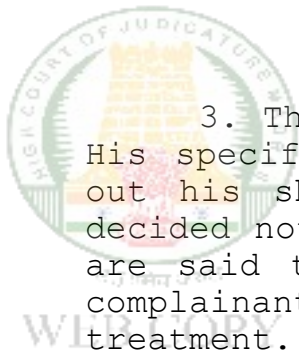
COMMON PRAYER :-

For Anticipatory Bail in Crime No.4 of 2020 on the file of the
Respondent police

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate (Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 452,
294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.4 of 2020 on the
file of the respondent police, seek anticipatory bail.



3. The defacto complainant in this case is one Venkateshwaran. His specific allegation is that he had originally agreed to lease out his shop in favour of A1/Mari Ganesh and that later he had decided not to do. Angered over the subsequent refusal, the accused are said to have assaulted the defacto complainant. The defacto complainant has suffered head injury and he is still taking treatment. The primary allegations are only against A1/Mari Ganesh and A2/David.

4. The allegations against Murugan and Jebaprabhu are not that serious. It is further claimed by the learned counsel for the petitioners that Murugan suffered injuries. But then the occurrence is said to have taken place in the agricultural field of the defacto complainant. Therefore, one can come to the conclusion that the accused are the aggressor. Therefore, taking note all these aspects, I am not inclined grant to A1/Mariganesh. Therefore, Crl.O.P.(MD) No.708 of 2020 is dismissed as regards A1/Mari Ganesh and allowed as regards A3/Murugan is concerned. Crl.O.P.(MD)No.705 of 2020 is allowed.

4. In view of the above, I am inclined to grant anticipatory bail to Murugan and Jeba Prabhu with certain conditions. Accordingly, Murugan and Jeba Prabhu are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sirvaikundam, and on their executing 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 learned Magistrate concerned and on further condition that Murugan and Jeba Prabhu shall appear before the respondent police as and when required for interrogation. Murugan and Jeba Prabhu shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

5. Murugan and Jeba Prabhu appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
13/01/2020

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/ /2020

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

TO

1.THE JUDICIAL MAGISTRATE, SIRVAIKUNDAM.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,

THE DISTRICT JUDGE, SIRVAIKUNDAM.



3. THE INSPECTOR OF POLICE,
ERAI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.A.KARTHIK Advocate SR.No.912

+1. C.C. to Mr.M.S.JEYAKARTIK Advocate SR.No.710

ORDER
IN
CRL OP(MD) . Nos.705 and 708
of 2020

Date :13/01/2020

IAS
TK/VR/SAR.2/22.01.2020/3P/7C