



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

Date : 19/03/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4924 of 2020

1. A.Annachamy
2. A.Arunkumar
3. A.Vikneshwaran @ Vigneshkumar ... Petitioners/Accused No.1 to 3

Vs

The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District
(Crime No. 36 of 2020).

... Respondent/Complainant

For Petitioners : Mr.I.Pinaygash,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

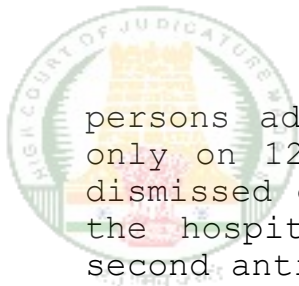
PRAYER :-

For Anticipatory Bail in Crime No. 36 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 323 and 379(NH) of I.P.C., in Crime No.36 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners entered into the house property of the de-facto complainant abused him and assaulted him with deadly weapon and taken away the properties. The de-facto complainant has sustained serious injury. The injured



persons admitted in the hospital on 23.02.2020 and got discharged only on 12.03.2020. The petitioners' earlier anticipatory bail was dismissed on the ground that the de-facto complainant/victim was in the hospital. Now pointing out the change in circumstances, the second anticipatory bail is filed.

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3. Reading of the case records indicate that the injured person is none other than the father of the first petitioner and grandfather of the second and third petitioner. To grab his property, de-facto complainant's son and grandson have joined and assaulted him.

4. Taking note of the close relationship and also the grave act committed by them and considering the fact that being a family dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 Judicial Magistrate, Paramakudi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Trichy and report before the Trichy Cantonment Police Station daily twice (i.e.) 10.30 a.m. and 5.00 p.m., until further orders.

(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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/03/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION,
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-5543[I] dated 19/03/2020)

ORDER
IN
CRL OP(MD) No.4924 of 2020
Date :19/03/2020

SJI
TE/PN/SAR-III : 23/03/2020 : 2P/7C