



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5260 of 2020

1. Vivek
2. Vairavaraj
3. Sasikala

... Petitioners/Accused Nos. 1 to 3
Vs

State rep.
The Inspector of Police,
Madukkur Police Station, Thanjavur
District. Cr.No.81 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan,
Advocate.

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

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

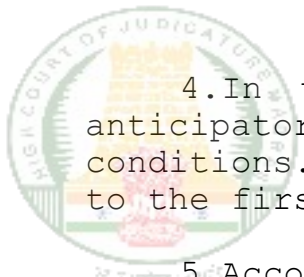
PRAYER :- To enlarge the Petitioners/Accused 1 to 3 on bail in the event of arrest in Cr.No.81 of 2020, pending investigation, on the file of the Inspector of Police, Madukkur Police Station, Thanjavur District.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324, 506(ii) and 307 IPC in Crime No.81 of 2020 on the file of the respondent police, seek anticipatory bail.

3. When the matter came up before this Court on 05.05.2020, this Court granted interim protection till 19.05.2020, so that the prosecution can place before this Court relevant materials. Accordingly, today when the matter is taken up for hearing, it is stated that the injured discharged from the hospital. The first petitioner herein, who is having bad antecedents, along with his brother and mother, has assaulted the defacto complainant, since the consent given for marriage for daughter of the defacto complainant with the first petitioner was withdrawn.



4. In the above said circumstances, I am inclined to grant anticipatory bail to the second and third petitioners with certain conditions. This Court is not inclined to grant anticipatory bail to the first petitioner.

5. Accordingly, the second and third petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing a own bond for a sum of Rs.25,000/- and further the second and third petitioners shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate Pattukkottai, Thanjavur District on or before 05.06.2020 and on further condition that:

(a) the second and third 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 second and third petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the second and third 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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.

6. This criminal original petition is dismissed, as far as the first petitioner is concerned.

sd/-
19.05.2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judicial Magistrate Pattukkottai, Thanjavur District.

2. The Chief Judicial Magistrate,
Thanjavur at Kumbakonam

3. The Inspector of Police,
Madukkur Police Station, Thanjavur
District. Cr.No.81 of 2020..

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.5260 of 2020

Date :19/05/2020

VB SKN SAR2(19.05.2020) 3P 5C