



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

Date : 18/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5370 of 2020

1. Haresh
2. George Edward
3. Giridharan
4. Sabarishan
5. Santhosh Kumar

... Petitioners/Accused No 1 to 5

Vs

State rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur District (Crime No.441 of 2020). ... Respondent/Complainant

For Petitioner : M/s.V.Kannan,
Advocate.

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

For Intervenor : Mr.K.Arunraj

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

PRAYER :-

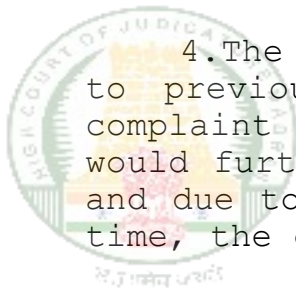
for Anticipatory Bail in Crime No.441 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 147,
294(b), 323, 324, 384 and 506(ii) of IPC seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned
Additional Public Prosecutor for the respondent Police and the
learned counsel for the defacto complainant.

3.According to the defacto complainant, when he was taking bath
in Cauvery river, the petitioners herein were consuming alcohol in
the public and the same was questioned by him and the petitioners
herein attacked the defacto complainant.



4.The learned counsel for the petitioners would submit that due to previous enmity, the defacto complainant has given a false complaint against them. The learned counsel for the petitioners would further submit that the petitioners are Engineering Graduates and due to Covid situation, they all came to their native. At that time, the occurrence have taken place.

5.The learned counsel for the intervenor would submit that these petitioners have bad antecedents of criminal record, which allegation is denied by the learned counsel for the petitioners.

6.The learned Additional Public Prosecutor would submit that one of the accused had involved in sand theft case.

7.The version placed by the respective counsels are considered and anticipatory bail is granted to the petitioners. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kulithalai, and on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners shall report before the respondent police for interrogation, daily at 10.00 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
18/05/2020

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.
2. CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION, KARUR DISTRICT.
4. ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5370 of 2020

Date :18/05/2020

SDS / SKN/ SAR-2 (18.05.2020) 3P-5C