



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2020
CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL OP(MD)No.6322 of 2020

1. S.PANDIYARAJAN
2. RAMAMOORTHY

... PETITIONERS/ACCUSED NO.1 & 3

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO. 62/2020.

... RESPONDENT/COMPLAINANT

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

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

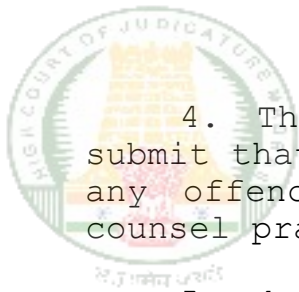
For Anticipatory Bail in Crime No. 62 of 2020

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 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.62 of 2020, on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the defacto complainant informed the Police about the accused and others playing cricket near the empty tank in a rural village. Hence, there arose wordy quarrel between the petitioners and the defcto complainant. The petitioners abused the defacto complainant and also attacked him.



4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence, as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail in favour of the petitioners.

5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that in respect of playing cricket, there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners attacked the defacto complainant and he sustained injuries. The Injured has been treated as outpatient.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumangalam, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned;

(ii) The petitioners shall appear before the respondent police daily at 05.00 p.m for a period of two weeks and thereafter as and when required, for the purpose of interrogation.

(iii) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

7. The petitioners shall 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.

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-

18/06/2020

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/ /2020

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6322 of 2020

Date :18/06/2020

MPK

JM/JC/SAR 3/15.07.2020/3P/5C