



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.6332 of 2020

1. Sundaramoorthy
2. Kanthavel
3. Ramar

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Sub Inspector of Police,
Elanjambur Police Station,
Ramanathapuram District.
(Crime No. 103 of 2020).

... Respondent/Complainant

For Petitioners: M/s.S.Muniyandi, 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. 103 of 2020 on the file of the respondent police.

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), 427, 323, and 506(ii) of I.P.C., in Crime No.103 of 2020, on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant and also attacked him by hands.

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 due to previous enmity, the petitioners abused the defacto complainant and also attacked him by hands.

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, Mudhukulathur, 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

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, MUDHUKULATHUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ELANJAMBUR POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6332 of 2020
Date :18/06/2020

MS/PN/SAR-2/23.06.2020/3P.5C