



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

Date : 10/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.7101 of 2020

1. M.Raja
2. R.Karthick Bala
3. R.Bhuvaneswari
4. Ranjith
5. Vinayagapandi

... Petitioners/Accused 1 to 5

Vs.

State rep. by
The Inspector of Police,
Subramaniapuram Police Station,
Madurai City,
Madurai.

(Cr.No. 1160 of 2020).

... Respondent/Complainant

For Petitioners : Mr.M.Sendhilkumar,
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.1160 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police in connection with a case registered in Crime No.1160 of 2020 for the offences punishable under Sections 147,448,294(b), 323,427 and 506(ii) of the Indian Penal Code, seek anticipatory bail.

2. Heard both sides.

3. According to the prosecution, the petitioners said to have attacked the *defacto* complainant and caused injury and also caused damage to the tune of Rs.25,000/- [Rupees Twenty Five Thousand only].

4. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Hence, he prayed for anticipatory bail in favour of the petitioners.



5. The learned Government Advocate (Criminal side) would submit that due to family dispute between the husband and wife, the petitioners attacked the defacto complainant. He would further submit that the injured persons were discharged from the hospital.

6. Considering the facts and circumstances of the case and also taking note of the relationship of the petitioners with the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.4, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) **each** with two sureties (**common 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 report before the respondent police as and when required for interrogation;

(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 petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10.07.2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



SML

TO

1. The Judicial Magistrate No.4, Madurai.

2. -Do- Through The Chief Judicial Magistrate,
Madurai District.

3. The Inspector of Police,
Subramaniapuram Police Station,
Madurai City,
Madurai.

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

ORDER
IN

CRL OP(MD) No.7101 of 2020

Date : 10/07/2020

VB SKN SAR 2 (14.07.2020) 3P 5C