



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

Date : 20/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8546 of 2020

1. Manikandan,
2. Murugan,
3. Sridhar, ... Petitioners/Accused

Vs

State rep by
The Inspector of Police,
Madagupatti Police Station, Sivagangai.
(Crime No. 394 of 2020). ... Respondent/Complainant

For Petitioners : M/s K.Pragadeesh Kumar,
Advocate.

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

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

PRAYER :-

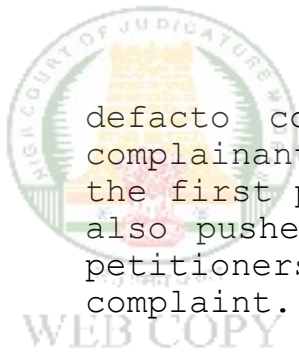
For an Anticipatory Bail in Crime No. 394 of 2020 on the file
of the respondent police

ORDER : The Court made the following order :-

The petitioners /A1,2, and 4, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 294(b), 147,448,323 and 506(ii) of IPC and Section 4 of
TNPWH Act, seek anticipatory bail.

2. Heard both sides.

3. There are totally five accused in this case. The case of the
prosecution is that there was a matrimonial dispute between the



defacto complainant and the first petitioner and the defacto complainant was living with her parents. On the date of occurrence the first petitioner has quarrelled with the defacto complainant and also pushed her. When the local village President intervened the petitioners also attacked him and caused injury. Hence the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that the injured was also discharged from the hospital.

5. The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and in a wordy quarrel the occurrence is said to have taken place and the injured was also discharged from the hospital.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute and the injured was already discharged from the hospital, 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.I, Sivagangai on condition that the petitioners shall execute 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 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
20/08/2020

/ TRUE COPY /

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

AAV

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.

TO

1. The learned Judicial Magistrate No.I, Sivagangai
2. Do through the Chief Judicial Magistrate, Sivagangai.
3. The Inspector of Police,
Madagupatti Police Station, Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8546 of 2020
Date : 20/08/2020

TR/RSK/SAR-III (24.08.2020) 3P 5C