



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

Date : 09/11/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) .No.12579 of 2020

1.Senthilkumar
2.Balasubramaiyam
3.Mutharasi

...Petitioners/Accused Nos.1 to 3

Vs

The Inspector of Police,
Sayalgudi Police Station,
Madurai District.
Cr.No.390 of 2020.

...Respondent/Complainant

For Petitioners: Mr.N.Jeyaram Sidharth
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.390 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 506(i) r/w 109 IPC, in Crime No.390 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, a wordy quarrel arose between the petitioners and the defacto complainant and on sudden provocation, the petitioners committed the offence under Sections 294(b), 324, 506(ii) r/w. 109 IPC.

3.The defacto complainant had already been discharged from the hospital and in view of the fact that the alleged offence was committed due to the civil dispute, the parties are hereby expected to maintain calmness. Hence, this Court is inclined to grant anticipatory bail to the petitioners.



4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Kadaladi, Ramanathapuram District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 daily morning at 10.00 a.m., without fail, for a period of Two Weeks and thereafter as on 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/11/2020

/ TRUE COPY /

/ /2020
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.



TO

1. THE JUDICIAL MAGISTRATE, KADALADI,
RAMANATHAPURAM DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT,

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

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

ORDER

IN

CRL OP(MD) No.12579 of 2020

Date : 09/11/2020

IAS/VSD

PK/AKM/SAR-II/11.11.2020 : 3P/5C