



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

Tuesday, the Sixth day of January Two Thousand Fifteen

PRESENT

WEB COPY

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.23929 of 2014

1 A.GURUSAMY

2 PERIYASAMY @ ANAND

3 MEENAKSHI AMMAL

4 CHANDRA

5 MURUGESHWARI

... PETITIONERS / ACCUSED 1 to 5

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

KALIKUDI POLICE STATION,

THIRUMANGALAM, MADURAI DISTRICT.

CRIME NO.325/2013.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.KANNAN Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

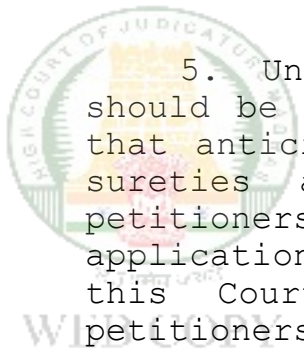
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 304(b) IPC on the file of the respondent police, seek anticipatory bail.

2. Earlier this Court had granted anticipatory bail to the petitioners in Crl.O.P(MD)No.1319 of 2014 on 24.03.2014 and passed the following order that "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 stands dismissed". The petitioners have not complied with the conditions and therefore, anticipatory bail granted to the petitioners was automatically cancelled.

3. It is averred by the petitioners that after the incident, they were chased away from the Village and they were not able to comply with the conditions. It is stated that they were hiding in Ondipulinaickanur, Virudhunagar District. Under those circumstances, they were not able to furnish sureties.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Heard the learned Government Advocate (Crl.Side) and the Investigating Officer is present.



5. Under normal circumstances, extension of time petition should be filed. Since this Court in the earlier order has stated that anticipatory bail would stand automatically cancelled, if the sureties are not furnished within the stipulated time, the petitioners have no other option to file second anticipatory bail application. Accepting the explanation offered by the petitioners, this Court is inclined to grant Anticipatory Bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

sd/-

06/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, KALIKUDI POLICE STATION, THIRUMANGALAM, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.KANNAN, Advocate, SR.No.312.

ORDER IN

CRL OP(MD) No.23929 of 2014

Date :06/01/2015