



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

Friday, the Fourteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP (MD) No.22142 of 2018

1.C.SARAVANAN (A1)
2.G.RAJKUMAR (RANK NOT KNOWN)
3.M.RAJKIRAN (RANK NOT KNOWN) ... PETITIONERS / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THILAGAR THIDAL POLICE STATION,
MADURAI DISTRICT.
Crime No.619 of 2018 ... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A. JOHN STEPHEN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

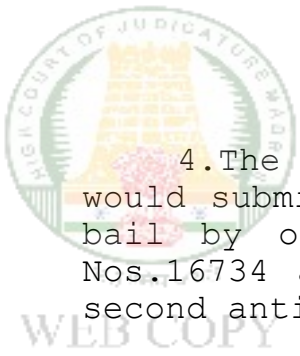
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 451, 294(b) and 506(i) of IPC, in Crime No.619 of 2018 seek anticipatory bail.

2.The case of the prosecution is that due to money dispute between the petitioners and the defacto complainant, the petitioners and other accused have illegally trespassed the place, where the father of the defacto complainant is working as Secretary and abused him with filthy language and threatened with dire consequences, Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners were earlier granted anticipatory bail by order dated 12.09.2018 and 22.10.2018 in Crl.O.P.(MD)Nos.16734 and 18583 of 2018 respectively. He would further submit that since two of the petitioners were not feeling well, they were unable to surrender and execute the sureties within the time limit fixed by this Court and thereby the earlier order has lapsed. Hence, this petition has been filed by the petitioners.



4.The learned Additional Public Prosecutor for the respondent would submit that the petitioners were already granted anticipatory bail by order dated 12.09.2018 and 22.10.2018 in CrI.O.P.(MD) Nos.16734 and 18583 of 2018 respectively and this petition is the second anticipatory bail application of the petitioners.

5.Taking into consideration the facts of the case and the submission made on either side, I am inclined to grant 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 No.II, Madurai, on condition that the petitioner shall execute 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 said Magistrate, on further condition that:

[a]The petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) each as costs (Totally Rs.3,000/-), by way of a crossed Cheque or by means of Demand Draft in favour of the 'Chief Minister's Public Relief Fund' and hand it over to the Registrar (Judicial) of the Madurai Bench of Madras High Court, Madurai.

[b] the petitioners shall produce a receipt for the same before the learned Magistrate and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

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

[d] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

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

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

[g] 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 herself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[h]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/12/2018

WEB COPY

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO II, MADURAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A. JOHN STEPHEN Advocate SR.No.23301

ORDER
IN
CRL OP(MD) No.22142 of 2018
Date :14/12/2018

TK/PN.AC/SAR-2/26.12.2018/3P/7C