



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

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The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.1744 & 1753 of 2019

A1 ASHIK,

... PETITIONER / ACCUSED No.7
IN BOTH PETITIONS

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 29 OF 2019)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD).NO.1744/2019

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 24 OF 2019)

... RESPONDENT/COMPLAINANT
IN CRL OP(MD).NO.1753/2019

For Petitioner : MR.S.M.A.JINNAH Advocate in both petitions

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side) in both petitions

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 115 of IPC and Section 25(1)(a) of Arms Act 1956 in Crime No.29 of 2019 and Sections 294(b), 353, 506(ii) of IPC and Section 25(1)(A) of Arms Act 1959 in Cr.No.24 of 2019 seek anticipatory bail.

2. The case of the prosecution in Crl.O.P(MD) No.1744 of 2019 is that On 23.01.2019 at about 23.00 hrs when the defacto complainant along with police personnel on patrol duty the petitioner along with other persons on seeing the police personnel ran away from the scene of occurrence and later they were arrested and gave a confession that they belong to " Indian National League Party" and threatened them with sword and dagger.



3. The case of the prosecution in CrI.O.P(MD) No.1753 of 2019 is that On 19.01.2019 at about 16.00 hrs when the defacto complainant along with police personnel on patrol duty the petitioner along with other persons threatened the defacto complainant with dire consequences by showing sword

3. The learned counsel for the petitioners would submit that the petitioner has falsely implicated in this case and he has nothing to do with the alleged offence. He would also submit that co-accused in this case was granted anticipatory bail by this Court

4. The learned Government Advocate(CrI.Side) would submit that there are 26 cases pending against the petitioner. He would also submit that the petitioner here in is destroying the peace in the society and opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions by learned counsels ,this Court 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 his appearance, before the learned Judicial Magistrate , Vendasandur 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] after execution of sureties the petitioner shall report before the Vendasandur Police Station daily at 10.30 a.m for a period of one week and thereafter for a period of one week before the Dindigul, Town West Police Station daily at 10.30 a.m and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.



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

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sd/-
01/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
VEDASANDUR.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT.
 4. THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +2. CC to MR.S.M.A.JINNAH Advocate SR.No.2187, 2188

ORDER
IN
CRL OP(MD) Nos.1744 & 1753 of 2019
Date :01/02/2019

AE/JC/SAR2/07.02.2019/3P/8C