



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2284 of 2019

1. SEENI KADAR,
2 M.SARTHAR,
3 A.PAKURUDEEN @ AHAMED PAKURUDEEN
4 S.RABEEK @ RAFEEDEEN,
5 K.ALTHAF @ MOHAMMED ALTHAF ... PETITIONERS / ACCUSED NO.1 TO 5

Vs

THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
DEVIPATTINAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.28/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUKALAIRAJA Advocate

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

For Intervenor : MR.P.BALASUBRAMANIAN, Advocate

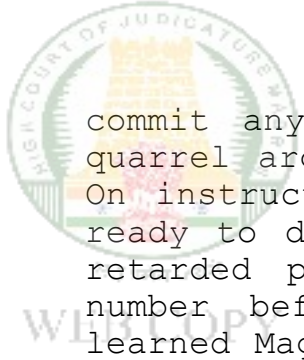
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 324 and 506(ii) of IPC, in Cr.No.28 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 04.02.2019, the petitioners along with other accused persons went to the hotel belonged to the defacto complainant in a drunken mood and after taken food they did not pay the bill and picked up in a quarrel with the defacto complainant and damaged the hotel articles worth about Rs.25,000/-. Hence, the defacto complainant lodged the present complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent person and she did not



commit any offence as alleged by the prosecution. There was a quarrel arose between the defacto complainant and the petitioners. On instructions, he would further submit that the petitioners are ready to deposit a sum of Rs.30,000/- for the welfare of mentally retarded people in Ervadi Darga and Rs.25,000/- into the crime number before the Judicial Magistrate Court. Thereafter, the learned Magistrate shall disburse the said amount of Rs.25,000/- to the defacto complainant.

4.The learned counsel for the intervenor submits that he has no objection to grant anticipatory bail to the petitioners on such deposit.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that investigation is still pending and he has also no objection to entertain this petition in view of the above condition.

6.Taking into consideration the nature of allegation against the petitioners and also the submissions made by the leaned counsel, this Court is inclined to grant anticipatory bail to the petitioners. 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.I, Ramanathapuram, on condition that the petitioner shall execute 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 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall deposit a sum of Rs.30,000/- to the Management of Ervadi Dargah towards the welfare of the Mentally Retarded people and a further sum of Rs.25,000/- into the credit of crime number before the concerned Judicial Magistrate Court and the Judicial Magistrate is directed to disburse the same to the defacto complainant. The petitioners shall be made the above deposit before the execution of sureties and produce the proof for the same.

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(e)the petitioner shall not abscond either during investigation



or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
DEVIPATTINAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.3140

ORDER
IN
CRL OP(MD) No.2284 of 2019
Date :14/02/2019

TK/VR/SAR-I/20.02.2019/3P/6C