

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

Date : 27/06/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.5953 of 2019**

1. V.Subramani  
2. S.Saravanakumar  
3. Vetri @ Vetriselvan ... Petitioners/Accused No.5 to 7

Vs

The State Rep By,  
Inspector of Police,  
Natham Police Station,  
Dindigul District.  
In Cr No. 637 of 2018. ... Respondent/Complainant

For Petitioner : M/s.N.Muniraj,  
Advocate.

For Respondent : M.Anantha Devi,  
Government Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.637/2018 on the file of the respondent police

ORDER : The Court Made the following order :-

The petitioners/ accused No.5 to 7 , who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b),147,447,452, 387 and 506(i) of IPC, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioners has submitted that the earlier applications have been dismissed by this Court on the ground that A1 was not arrested and the possession of the property also not handed over to the defacto complainant. He further submitted that after dismissal of the earlier applications, the police has arrested A1 to A4 and remanded to judicial custody and

subsequently they were released on bail by the trial court. He further submitted that the petitioners 1 and 2 herein are advocates and the third petitioner is a law student and since the petitioners herein happened to be the juniors of A1, they were added as accused in this case. He further submitted that the possession of the property was also handed over to the defacto complainant and no previous case is pending against the petitioners herein. He would also submit that investigation has been completed and charge sheet also filed before the concerned court and not yet taken on file. Hence he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Cr1.Side) fairly conceded that A1 to A4 were arrested and remanded to judicial custody and subsequently they were released on bail by the trial court. She also conceded that the possession of the property was handed over to the defacto complainant and no previous case is pending against the petitioners. She would also submit that investigation has been completed and charge sheet also filed before the concerned court, but not yet taken on file.

5. Taking into consideration the facts and circumstances of the case and also the fact that A1 to A4 were arrested and released on bail by the trial court and also the fact that the possession of the property was handed over to the defacto complainant and also the fact that no previous case is pending against the petitioners and also the fact that investigation has been completed and charge sheet also filed before the concerned court, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Natham, Dindigul District on condition that the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 the 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].

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

[g] the petitioners shall not involve in these type of offences in future.

sd/-  
27/06/2019

/ TRUE COPY /

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

TO

1. JUDICIAL MAGISTRATE, NATHAM,  
DINDIGUL DISTRICT
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
DINDUGAL DISTRICT.
3. INSPECTOR OF POLICE,  
NATHAM POLICE STATION,  
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.N.MUNIRAJ Advocate SR.No.10680

ORDER  
IN  
CRL OP(MD) No.5953 of 2019  
Date : 27/06/2019

aav

PK/VR/SAR-2/02.07.2019 : 3P/6C