



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.7061 of 2019

1 S.ELANGO
2 SURIYA
3 JESUPATHAM
4 R.ANTONY
5 PERTHINATH SELVARAJ
6 PIYOLIN SELVARAJ
7 HERALDAS SELVARAJ

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.150 OF 2019)

... RESPONDENT / RESPONDENT

For Petitioner : MR.A. MANDHIRALINGESWARAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 307 and 506(ii) of I.P.C. in Crime No.150 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.A.Mandhiralingeswaran, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the petitioners and their men went on a marriage procession which was objected to by the defacto complainant as a member of the village committee that there shall not be any procession in the village after 7.30 p.m. There was a wordy quarrel and the petitioners said to have assaulted the defacto complainant with hands. The petitioners and their men also have sustained injuries and it is a case in counter.



4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail.

5. The learned Government Advocate (Crl Side) appearing for the respondent Police opposed the grant of anticipatory bail and stated that the accused persons in the counter case have also been granted anticipatory bail by the Court of Sessions.

6. Taking into consideration the facts and circumstances of the case and there is no bad antecedent against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

(i) 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 on which the order copy was made ready before the learned Judicial Magistrate, Tiruchendur 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 and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners shall report before the respondent police as and when required.

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

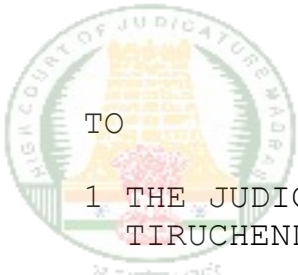
[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
15/05/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.MANDHIRA LINGESWARAN, Advocate (SR-8320[I] dated
15/05/2019)

ORDER

IN

CRL OP (MD) No.7061 of 2019

Date :15/05/2019

JM/JC/SAR 1/20.05.2019/3P/6C