



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. 7169 of 2019

1 E. RAJAPPA

2 JEYARANI

... PETITIONERS/ ACCUSED NOS. 1 & 2

Vs

STATE THROUGH
INSPECTOR OF POLICE,
ERL POLICE STATION,
TUTICORIN DISTRICT,
(CRIME NO. 55 /2019)

... RESPONDENT

For Petitioners : M/S. KA. RAAMAKRISHNAN, Advocate

For Respondent : Mr. A. Robinson, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/accused Nos. 1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 109, 147, 294(b), 448, 323, 506(i) and 379 of IPC in Crime No. 55 of 2019 on the file of the respondent police, seek anticipatory bail.

2. Heard Mr. K. A. Raamakrishnan, 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 first petitioner has borrowed some money from the defacto complainant. When the defacto complainant demanded back the amount, the petitioners went to the defacto complainant's house and assaulted the son of the defacto complainant and also snatched away his cell phone. Hence, the complaint.

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



5. The learned Government Advocate (Crl Side) appearing for the respondent has no objection for granting anticipatory bail to the petitioners.

6. Taking into consideration the nature of the relationship between the defacto complainant and the petitioners as money lender and borrower, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond in the event of arrest or on their appearance, for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of learned Judicial Magistrate, Srivaikuntum, Tuticorin District 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 absconds, 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-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNTUM, TUTICORIN DISTRICT

2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
TUTICORIN DISTRICT.



3 THE INSPECTOR OF POLICE
ERAL POLICE STATION,
TUTICORIN DISTRICT,

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

+1. CC to M/S.KA.RAAMAKRISHNAN, Advocate, SR.No.8365

ORDER
IN
CRL OP (MD) No.7169 of 2019
Date :15/05/2019

ES/PN/SAR 1/22.05.2019/3P/6C