



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

Wednesday, the Fifteenth day of May Two Thousand and Nineteen
PRESENT

WEB COPY

The Hon'ble Mr. Justice B.PUGALENDHI

CRL OP(MD) No.7175 of 2019

1 BALASUBRAMANIAN
2 MATHAVAN

... PETITIONERS/ ACCUSED NOS. 1 & 2
Vs

THE STATE REP. BY ITS,
THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.145/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.S.ANNADURAI, 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 offences punishable under Section 323 IPC and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992 r/w Section 109 IPC in Crime No.145 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.S.S.Annadurai, 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 on 11.05.2019 when the defacto complainant was travelling in his motor cycle bearing Registration No.TN 63 H 3673 at about 07.00 p.m., three unknown persons came in a two wheeler, assaulted him and also caused damage to the backside of his motorcycle. The defacto complainant has lodged a complaint apprehending that the unknown persons might have committed offence at the instigation of the petitioners. Admittedly, the petitioners were not present in the scene of occurrence and the victim has also been discharged from the hospital. The value of the damage for the motorcycle is also not mentioned in the First Information Report.



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, he prays to grant anticipatory bail to these petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of anticipatory bail.

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.

7.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, Elayangudi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, 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 for interrogation.

[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,
ELAYANGUDI, SIVAGANGAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.S. ANNADURAI Advocate SR.No.8414

ORDER

IN

CRL OP (MD) No.7175 of 2019

Date :15/05/2019

ES/VR/17.05.2019/4P/6C