



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7317 of 2019

1. Dinesh
2. Saravanan @ Miyan
3. Jeyakumar

... Petitioners/Accused 1 to 3

Vs

State rep.by,
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District,
Crime No.81/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Murugan, Advocate

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

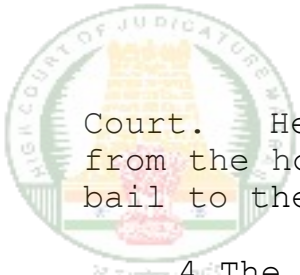
PETITION FOR ANTICIPATORY BAIL Under Sec.438 Cr.P.C

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 307 and 506 (ii) of IPC in Crime No.81 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that after filing this petition, petitioners 1 and 2 were surrendered before the respondent police on 27.05.2019 and they were remanded to judicial custody and still they are in custody and hence this petition has become infructuous insofar as the petitioners 1 and 2 are concerned. He further submitted that the third petitioner/A3 is an innocent person and he has been falsely implicated in the above case. He further submitted that already A4 and A5 were arrested and remanded to judicial custody and subsequently A4 was released on bail by the learned Principal Sessions Judge, Ramanathapuram and A5 was released on bail by this



Court. He further submitted that the injured already discharged from the hospital and therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) appearing for the respondent fairly conceded that already the injured was discharged from the hospital. She further submitted that totally six accused involved in this case. She further submitted that due to previous enmity, all the accused persons have attacked the defacto complainant and caused serious injuries. She further submitted that the investigation is pending and hence, she opposed this petition.

5. Taking into consideration of the fact that already A4 was released on bail by the learned Principal Sessions Judge, Ramanathapuram and A5 was released on bail by this Court and also the fact that injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the third petitioner/A3 with certain conditions.

6. Accordingly, this petition is dismissed as infructuous as far as the first and second petitioners are concerned and the third petitioner/A3 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram on condition that the third petitioner / A3 shall execute a 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 or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the third petitioner/A3 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the third petitioner/A3 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the third petitioner/A3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the third petitioner/A3 shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the third petitioner/ A3 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].

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

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07/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
 3. THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.R.MURUGAN, Advocate SR.No.9237

ORDER
IN
CRL OP(MD) No.7317 of 2019
Date : 07/06/2019

LS
PK/JC/SAR-2/11.06.2019 : 3P/6C