



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7428 of 2019

1. R.Kumar
2. V.Subramanian
3. S.Baskar
4. S.Arumugam

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Sub-Inspector of Police,,
Pallathur Police Station,
Sivagangai District.
Crime No.45 of 2019)

... Respondent/Complainant

For Petitioner : M/s.P.Krishnaveni,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324 and 307 of IPC in Crime No.45 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners 2 and 4 are innocent persons and they have been falsely implicated in the above case. She further submitted that as per the FIR, there is no specific overt act against the petitioners 2 and 4. She further submitted that the injured has already been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners 2 and 4.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the dispute is with regard to the enjoyment of a place and already counter cases are pending. He further submitted that the investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that the injured has already been discharged from the hospital.

5. The learned counsel for the petitioners submits that she is not pressing the criminal original petition in respect of the petitioners 1 and 3 and she has also made an endorsement to that effect.

6. Taking into consideration the fact that already counter cases are pending with regard to the enjoyment of a place and also the fact that there is no specific overt act attributed against the petitioners 2 and 4 are concerned and also the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 2 and 4 by imposing certain conditions. In respect of the petitioners 1 and 3 are concerned, this petition is dismissed as not pressed.

7. Accordingly, the petitioners 2 and 4 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioners 2 and 4 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:

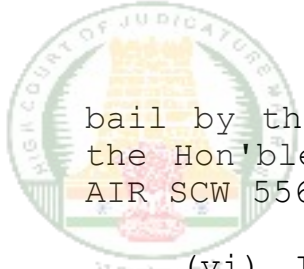
(i) If the petitioners 2 and 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 and 4 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 petitioners 2 and 4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 and 4 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 petitioners 2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 2 and 4 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.

sd/-
06/06/2019

/ TRUE COPY /

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

TO

- 1.The learned Judicial Magistrate,
Karaikudi.
 2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
 - 3.The Sub-Inspector of Police,,
Pallathur Police Station,
Sivagangai District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.P.KRISHNAVENI, Advocate (SR-9169[I] dated 06/06/2019)

ORDER
IN
CRL OP(MD) No.7428 of 2019
Date : 06/06/2019

vsg
TK/PN/SAR-2/11.06.2019/3P/6C