



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Criminal Jurisdiction )

Date : 07/06/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.7521 of 2019

1. P.Vignesh,  
2. S.Suresh,  
3. J.Ramesh @ Ramesh Kumar,  
4. A.Balamurugan,  
5. P.Siva @ Subashchandrabose ... Petitioners/Accused Ns.A1,  
A2, A4, A5 & A6

Vs

State Represented by  
The Inspector of Police,  
Naraikinaru Police Station,  
Thoothukudi District.  
Crime No.10 of 2019

... Respondent/Complainant

For Petitioners: M/s.M.Prabu,  
Advocate.

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

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

PRAYER :-

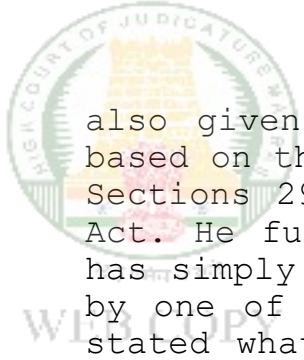
For Anticipatory Bail in Crime No. 10 of 2019 on the file of the Respondent Police.

**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 147, 294 (b), 323, 379 (NP) of IPC in Crime No. 10 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that in a temple festival, there was a wordy quarrel between the petitioners group and the defacto complainant group and hence a case has been foisted against the petitioners herein. He further submitted that already complaint



also given against the defacto complainant and his associates and based on the same, a case was registered in Crime No.9 of 2019 under Sections 294 (b), 342, 323, 506 (ii) of IPC and Section 4 of TNPHW Act. He further submitted that in the FIR, the defacto complainant has simply stated that his five sovereign chain has been taken away by one of the aforesaid five persons, but he has not specifically stated what is the nature of chain and where he kept the same and therefore, the said allegation is totally false. He further submitted that since already, a case was registered against the defacto complainant and his associates and only as a counter blast, the defacto complainant has lodged a false complaint against the petitioners with exaggerated version. He further submitted that already the defacto complainant and his associates got anticipatory bail from this Court and the injured sustained only simple injuries and he was already discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Cr1.Side) appearing for the respondent has submitted i7751 that on 07.05.2019 at about 10.00 p.m., in a temple festival, both the groups entered into fight and doing the said fight, one of the accused persons has taken away a five sovereign gold chain from the defacto complainant and also assaulted the defacto complainant and his grand mother and caused injuries. However, she fairly conceded that injured sustained only simple injuries and they were already discharged from the hospital. She also conceded that in the counter case, this Court has granted anticipatory bail to the defacto complainant.

5.Taking into consideration of the fact that a counter case was already registered against the defacto complainant and his associates and also the fact that the injured sustained only simple injuries and they were also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti on condition that the petitioner 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 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the petitioners 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 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.

sd/-  
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,  
Kovilpatti.
- 2.Do-Through The Chief Judicial Magistrate,  
Tuticorin District.
- 3.The Inspector of Police,  
Naraikinaru Police Station,  
Thoothukudi District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.PRABU, Advocate ( SR-9265[I] dated 07/06/2019 )

ORDER  
IN  
CRL OP(MD) No.7521 of 2019  
Date : 07/06/2019

dss  
TK/MMS/SAR.3/13.06.2019/3P/6C