

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7537 of 2019

1 JEYARAJ
2 NICHOLAS ANTHONY
3 ANTHONY SUMAN
4 SENKOL PITCHAI
5 ARUL JOHN BRITTO
6 MARIA THASNAVIS ... PETITIONERS/ACCUSED 1 to 6

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMESWARAM,
RAMANATHAPURAM DISTRICT.
CRIME NO.102 OF 2019 ... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.GOKUL, Advocate

For Respondent : MR.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.1 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 341, 364 and 506(ii) IPC, in Crime No.102 of 2019, seek anticipatory bail.

2.The case of the prosecution is that on 21.05.2019, the defacto complainant and his friend went for bike ride at Olaikuda which was questioned by the first petitioner. As a result of which, the petitioners and other accused abused the defacto complainant by using the filthy language and also assaulted him. Thus, on complaint, a case has been registered against the petitioners and others.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, they did not commit any offence as alleged by the prosecution, and their names have been falsely implicated in this case. It is the case of case in counter and on a complaint given by the petitioners, a case was registered against the defacto complainant in Crime No.103 of 2019 for the offence under Section 294(b), 323, 324, 354 and 506(i) IPC. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital. He would further submit that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to the dispute over the bike ride, the petitioners and other accused attacked the defacto complainant and thereby, the defacto complainant has sustained injury. In a case registered against the petitioners, except the offence under Sections 506 (ii) and 364 IPC, all other offences are bailable in nature. As of now, the person who sustained injury in the alleged occurrence has also been discharged from the hospital after taking treatment. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. So, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some 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, Rameswaram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 conditions that:

- (I) 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;
- (ii) the petitioners shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) 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;

- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
RAMESWARAN TOWN POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.GOKUL Advocate SR.No.8916

ORDER
IN

CRL OP(MD) No.7537 of 2019
Date :29/05/2019

VSG/SM

PK/PN/SAR-1/03.06.2019 : 3P/6C