



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

Wednesday, the Twelfth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7548 of 2019

1 MANIKANDAN
2 KALEESWARAN
3 SURIYA
4 NAGESWARAN
5 RAJA
6 SELVAM
7 NAGARAJ
8 PERIYA MUNIYASAMY
9 CHINNA MUNIYASAMY
10 SAKTHIPANDI
11 AJITH
12 RAMKI

... PETITIONERS / ACCUSED NO.1 TO 4, 7

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.101/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.UTHAYAKUMAR Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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 offence punishable under Sections 147, 341, 294(b), 336 and 506(i) IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that during temple festival, there was a wordy quarrel between the petitioners and the de-facto complainant. Due to which, a false case has been foisted against the petitioners. He further submitted that the injured person sustained only simple injury and he has already been discharged from the hospital and therefore, he prayed for granting anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) has submitted that totally four accused persons involved in this case and the investigation is still pending and hence, she strongly opposed this petition. However, she fairly conceded that only one person sustained simple injury and he was already discharged from the hospital.

5.Taking into consideration of the fact that the injured person was already 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, Kamuthi, Ramanathapuram District and the petitioners 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/06/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No. 9535

ORDER

IN

CRL OP(MD) No.7548 of 2019

Date :12/06/2019

JM/VR/SAR 4/18.06.2019/3P/6C