



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

Friday, the Seventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7791 of 2019

1 R.SARAVANAKUMAR @ S.V.R.SARAVANAN

2 R.MATHIRAJA

3 P.ELANGOVGAN

... PETITIONERS / ACCUSED NO.1 &
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT,
CRIME NO.350/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SIVABALAN Advocate

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

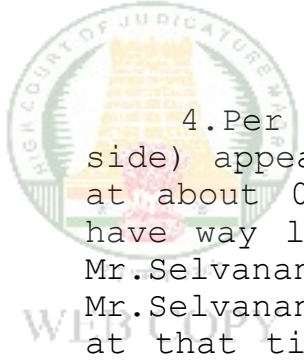
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323, 379 and 506(ii) of IPC, in Crime No.350 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that after filing this petition, the petitioners 1 and 2 were arrested by the respondent police and remanded to judicial custody and hence, the petition has become infructuous against the petitioners 1 and 2 are concerned. He further submitted that in so far third petitioner is concerned, in the First Information Report, his name is not mentioned. He further submitted that the defacto complainant and the petitioners herein are Advocates and based on the confession given by the first petitioner/A1, the third petitioner has been implicated in the above case. He further submitted that the third petitioner is an innocent person and he has been falsely implicated in the above case and therefore, he prayed for grant of anticipatory bail to the third petitioner alone.



4.Per contra, the learned learned Government Advocate (criminal side) appearing for the respondent has submitted that on 29.05.2019 at about 06.00 p.m., the petitioners herein and one more accused have way laid the defacto complainant, who is an Advocate and one Mr.Selvananmaran, who is also an Advocate and abused the said Mr.Selvananmaran with filthy language and tried to assault him and at that time, the defacto complainant tried to pacify the accused persons and hence they assaulted the defacto complainant with hands and also criminally intimidated them and also snatched away 10 sovereigns of gold chain. She further submitted that investigation is still pending and hence, she strongly opposed this petition.

5.Taking into consideration of the fact that even though third petitioner happens to be an Advocate and the defacto complainant also an Advocate, the defacto complainant has not mentioned the name of the third petitioner in the complaint and also the fact that already the petitioners 1 and 2 were arrested by the respondent police and only based on the confession given by the first petitioner/A1, the third petitioner has been implicated in the above case, this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions.

6.Accordingly, the third petitioner 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.I, Karur, that the third petitioner 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 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the third petitioner 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 in accordance with law as if the conditions have been imposed and the third petitioner 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.

(vii) the petition is dismissed as infructuous in so far as the petitioners 1 and 2 are concerned.

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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.I,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

+1. CC to M/S.K.SIVABALAN Advocate SR.No. 9271

ORDER

IN

CRL OP(MD) No.7791 of 2019

Date :07/06/2019

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