



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.7849 of 2019

1 SELVA @ SELVAM
2 SATHYAMOORTHY
3 MALAIKANNAN
4 BHARATHI
5 PARTHASARATHI

... PETITIONERS/ACCUSED NO.1,2,6,9 AND 11

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT,
CRIME NO.82/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ALAGUMANI Advocate

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

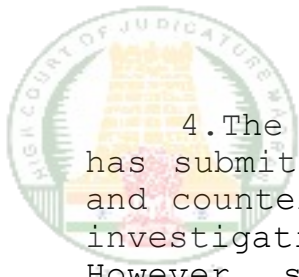
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 147, 148, 294(b), 323, 324, 435 and 307 of IPC and Sections 3 and 4 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.82 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to wordy quarrel arose with regard to playing Kabadi match, a false case has been registered against the petitioners herein and others. He further submitted that counter case has also been registered. He further submitted that this Court has already granted anticipatory bail to the accused 3, 5, 7, 14 and 16. He further submitted that the injured sustained only simple injury and they were already discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate appearing for the respondent has submitted that due to a wordy quarrel between two groups, case and counter cases have been registered. She further submitted that investigation is in progress and hence, she opposed this petition. However, she fairly conceded that this Court has already granted anticipatory bail to the accused 3, 5, 7, 14 and 16 and the injured persons have already been discharged from the hospital.

5. Taking into consideration the fact that the injured sustained only simple injury and they were already discharged from the hospital and also counter case has been registered against the defacto complainant and also the fact that this Court has granted anticipatory bail to the accused 3, 5, 7, 14 and 16, this Court is inclined to grant anticipatory bail to the petitioners by imposing 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.I, Ramanathapuram, on condition that 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 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.

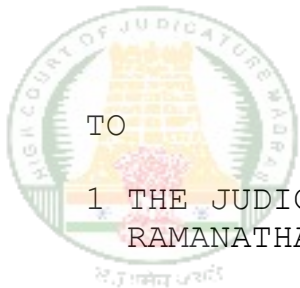
(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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 /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 DO THROUGH THE JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

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

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

ORDER

IN

CRL OP (MD) No.7849 of 2019

Date : 07/06/2019

JM/JC/SAR 2/17.06.2019/3P/5C