



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.7858 of 2019

Dineshkumar

... Petitioner/Accused No.6

Vs

State rep by,
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
In Crime No.81 of 2019

... Respondent/Complainant

For Petitioner : M/s.R.Murugan, Advocate

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

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 307 and 506 (ii) of IPC in Crime No.81 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the name of the petitioner herein has not been mentioned in the First Information Report and only based on the confession given by co-accused, this petitioner's name has been included in the above case. He further submitted that already two accused were granted bail and injured was also discharged from the hospital and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (criminal side) appearing for the respondent fairly conceded that already the injured was discharged from the hospital. She further submitted that totally six accused involved in this case. She further submitted that due to previous enmity, all the accused persons have attacked the



defacto complainant and caused serious injuries. She further submitted that the investigation is pending and hence, she opposed this petition.

5. Taking into consideration of the fact that already two accused were released on bail and also the fact that injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to petitioner with certain conditions.

6. Accordingly, the 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. II, Ramanathapuram on condition that the 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the 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 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].

(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. II,
RAMANATHAPURAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM
3. THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No. 7858 of 2019
Date : 07/06/2019

Ls
PK/VR/SAR-2/12.06.2019 : 3P/5C