



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 13/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7862 of 2019

1. Kalyani
2. Prabhu @ Kanagaraj
3. Palpandi

... Petitioners/Accused No.1,2 & 4

Vs

State rep.by,
The Inspector of Police,
Ayakudi Police Station,
Dindigul District.
Crime No.17/2019.

... Respondent/Complainant

For Petitioners : M/s. O. Ayyar,
Advocate.

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

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

PRAYER :-

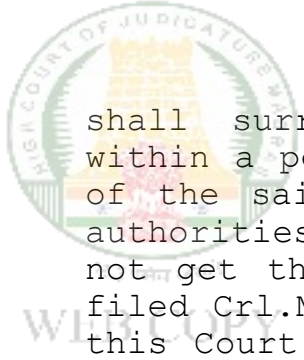
For Anticipatory Bail in Crime No.17/2019 on the file of the respondent police.

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, 148, 294(b), 324 and 506(ii) of IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that already the petitioners have moved anticipatory bail in Crl.O.P.(MD) No.1020 of 2019 before this Court and in the said application this Court also granted anticipatory bail to the petitioners on 28.01.2019 with a direction that the petitioners



shall surrender before the concerned Jurisdictional Magistrate within a period of fifteen days from the date of receipt of a copy of the said order. He further submitted that since the revenue authorities were busy in the election work, the petitioners could not get the solvency certificates and hence, the petitioners have filed CrI.M.P.(MD)No.3119 of 2019 and seeking extension of time and this Court also extended the time for two weeks. Even, thereafter, they could not get solvency certificates and hence, he prayed for granting anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI. side) has submitted that the petitioners after getting order from this Court, they are not complied with the order of the Court and therefore, she strongly opposed this petition.

5.Taking into consideration of the aforesaid submissions, in order to give one more opportunity to the petitioners, 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, Palani, Dindigul 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 one week 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 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].



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

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

TO

1. THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL DISTRICT .
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
 3. THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT,
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.K.ASOK KUMAR RAM, Advocate SR.No.9650

ORDER
IN
CRL OP(MD) No.7862 of 2019
Date :13/06/2019

SJI
PK/PN/SAR-2/21.06.2019 : 3P/6C