



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7934 of 2019

1. Ubalston
2. Jackson

... Petitioners/Accused 2 & 4

Vs

State:

The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
Cr.No.140 of 2019.

... Respondent/Complainant

For Petitioners : M/s.T.A.Ebenezer,
Advocate.

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

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

PRAYER :-

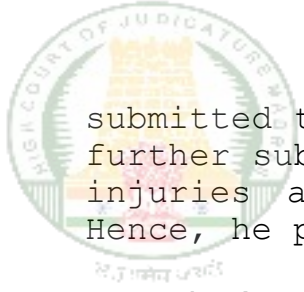
For anticipatory bail in cr.no.140 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b), 323,324 and 506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have submitted that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that a counter case has also been registered . He further submitted that this Court has granted anticipatory bail to the first and third accused and dismissed the petition against the petitioners herein on the ground that the already one case is pending against the petitioner for offence under Section 506(ii) of IPC. He further



submitted that no case is pending against the second petitioner. He further submitted that the injured persons has sustained only simple injuries and he has already been discharged from the hospital. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that two cases are pending against the first petitioner and no case is pending against the second petitioner. However, she fairly conceded that in the said previous cases the first petitioner got anticipatory bail. She further submitted that injured person has sustained simple injuries he has already been discharged from the hospital. However she opposed the anticipatory bail application on the ground that investigation is still pending.

5. Taking into consideration the fact that the injured person sustained only simple injuries and also discharged from the hospital and also the fact that this Court has granted anticipatory bail to the first and third petitioner, 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, Nanguneri 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/-
12/06/2019

WEB COPY

/ TRUE COPY /

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

TO

1.The Judicial Magistrate, Nanguneri.

2.Do-Through The Chief Judicial Magistrate,
Tuticorin District.

3.The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-9486[I] dated 12/06/2019)

ORDER
IN
CRL OP(MD) No.7934 of 2019
Date : 12/06/2019

aav
TK/JC/SAR.4/19.06.2019/3P/6C