

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8020 of 2019

1. Pappathi,

2. Devi, ... Petitioners/Accused No.not known

Vs

State Represented by
The Inspector of Police,
Thuraiyur Police Station,
Thuraiyur Taluk,
Trichy District.
Cr.No. 147 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Mohan,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no. not known 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), 324 and 506 (ii) of IPC, in Crime No.147 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to previous enmity, a false case has been foisted against the petitioner and the petitioner has not been committed any offence. He further submitted that the injured sustained only simple injuries and he was already discharged from the hospital and further

he prayed to grant anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that totally 7 accused involved in this case and the first petitioner herein has been arrayed as A5 and one previous case is pending against the first petitioner and insofar as the second petitioner is concerned, no previous case is pending against her. She further submitted that the injured sustained only simple injuries and he was already discharged from the hospital. However, she opposed this petition as investigation is pending.

5.Taking into consideration the aforesaid fact that no previous case is pending against the second petitioner and also the fact that the injured sustained only simple injuries and he was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6.Insofar as the first petitioner is concerned, since one previous case is pending as against her, this petition is dismissed.

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, on condition that the second 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 second petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the second 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 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/-
14/06/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TURAIYUR TALUK,
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.N.MOHAN, Advocate (SR-9714[I] dated 14/06/2019)

सत्यमेव जयते
ORDER
IN

CRL OP(MD) No.8020 of 2019
Date :14/06/2019

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