

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Criminal Jurisdiction)

Date : 13/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8192 of 2019

1. Gopal
2. Mahendran
3. Naga Arjun
4. Viji
5. Ramu
6. Eswaran
7. Ajith
8. Chittu
9. Tamilselvi
10. Muthiah

... Petitioners/Accused
No.1,3 to 5 & 7 to 12

Vs

The state by,
The Inspector of Police,,
Vadamadurai Police Station,
Dindigul District.
Crime No.264/2019.

... Respondent/Complainant

For Petitioners : M/s.D.Venkatesh,
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.264/2019 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, 294
(b), 323, 324, 427 and 506(ii) of IPC and Section 4 of TNPHW Act,
seek anticipatory bail.

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 the injured persons sustained only simple injury and they were already discharged from the hospital. He further submitted that A-2 and A-6 were arrested and remanded to judicial custody and subsequently they were released on bail by the trial Court itself and therefore, he prayed for granting anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) has submitted that when the de-facto complainant and her daughter went to lavatory, the first petitioner as standing there and abused the de-facto complainant and his daughter and hence, the villagers detained the first petitioner and the other petitioners went to the said village and rescued them and also damaged to the stove worth about Rs.400/- and the investigation is still pending. Hence, she strongly opposed this petition. However, she fairly conceded that already A-2 and A-6 were arrested and released on bail and the injured persons sustained only simple injuries and they were already discharged from the hospital.

5.Taking into consideration of the aforesaid submissions, the injured persons were already discharged from the hospital, 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, Vedachandur 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 three weeks 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.

sd/-
13/06/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, VEDACHANDUR,
DINDIGUL DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT
- 3.THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.9637

ORDER
IN
CRL OP(MD) No.8192 of 2019
Date :13/06/2019

SJI
PK/PN/SAR-1/18.06.2019 : 3P/6C