

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.8292 of 2019

1. Rani

2. Ramkumar

.... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Crime No.2511 of 2016.

... Respondent/Complainant

For Petitioners: M/s.R.P.Karuppasamy,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no.2511 of 2016 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 294(b), 506(i) of I.P.C, in Crime No.2511 of 2016, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that even though the petitioners are having permanent address, the police has filed charge sheet stating that the petitioners are absconding. He further submitted that based on the said charge sheet, the learned Judicial Magistrate No.VI, Madurai has taken a case on file in C.C.No.461 of 2017 and issued NBW against the petitioners on 26.05.2018 and the petitioners came to know about the said NBW recently. He further submitted that the petitioners have not committed any offence and therefore, he prayed for granting anticipatory bail to the petitioners.

3.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the charge sheet was filed by the respondent police by showing that the petitioners are absconding and hence, NBW was issued by the learned Judicial Magistrate No.VI, Madurai.

4.Taking into consideration the fact that the offence committed by the petitioners under Section 294(b) and 506(i) I.P.C and no one sustained any injury, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 No.VI, Madurai, 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/-
14/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.P.KARUPPASAMY Advocate SR.No.9875

ORDER

IN

CRL OP(MD) No.8292 of 2019

Date :14/06/2019

MS/VR/SAR-4/19.06.2019/3P.6C



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