



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

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8358 of 2019

1. Sudhagaran
2. Ragul
3. Duraisamy
4. Rasu

... Petitioners/Accused
No.1 to 3 & 5

Vs

The state represented by,
The Inspector of Police,
Sv Mangalam Police Station,
Sivagangai District.
Crime No.79 of 2019.

... Respondent/Complainant

For Petitioners : M/s.A.Sivaji,
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.79 of 2019 on the file of the
respondent police.

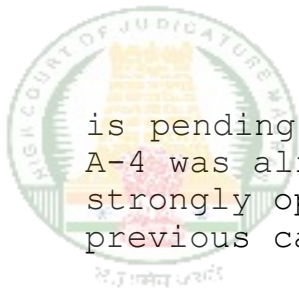
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offence punishable under Section 379 of
IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners are arrayed as Accused Nos.1 to 3 and
5. He further submitted that due to previous enmity between the
parties, a false case has been foisted against the petitioners. He
further submitted that A-4 was already arrested and remanded to
judicial custody and no previous case is pending against the
petitioners herein. Hence, he prayed for granting anticipatory bail
to the petitioners.

4.The learned Additional Public Prosecutor has submitted that
totally there are five accused in this case and similar type of case



is pending against the first petitioner. He further submitted that A-4 was already arrested and remanded to judicial custody. Hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioners 2 to 4.

5. Taking into consideration of the fact that similar type of case is pending against the first petitioner and no previous case is pending against the petitioners 2 to 4, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions. In respect of the first petitioner, this Court is not inclined to grant anticipatory bail to him. Accordingly, this petition is dismissed in respect of the first petitioner.

6. Accordingly, the petitioners 2 to 4 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, Thiruppathur, Sivagangai District and the petitioners 2 to 4 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] the petitioners 2 to 4 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.

[b] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/-

17/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE
THIRUPPATHUR, SIVAGANGAI DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE
SV MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.A.SIVAJI Advocate SR.No.9863

ORDER

IN

CRL OP(MD) No.8358 of 2019

Date :17/06/2019

SJI

PK/VR/SAR-2/24.06.2019 : 3P/6C