



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8379 of 2019

1. P.T. Raja,
2. Jayapaul,
3. Sivasamy,
4. Vijayakumar,
5. Sudhakar,
6. Sathishkumar,
7. Gowtham,
8. Karmegam,

... Petitioners/Accused Nos.1,2,3,5,
7,8,9 & 10

Vs

The State rep.by
The Sub - Inspector of Police,,
Kenikkarai Police Station,
Ramnad District.
Crime No. 174/2019.

... Respondent/Complainant

For Petitioners: M/s.A.Uthayakumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime no.174/2019 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, 307 and 506 (ii) of IPC,, in Crime No. 174 of 2019, seek anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the FIR, the petitioners and the defacto complainant are belonging to the same political party i.e., D.M.K. Due to the political feud between the petitioners and the defacto complainant with regard to garland to the Member of Parliament, the wordy quarrel arose between the petitioners and the defacto complainant. He further submitted that A4 & A6 were already arrested and remanded to judicial custody. The petitioners herein were merely present in the scene of occurrence and they are in no way connected in this case, and hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that A4 & A6 were already arrested and remanded to judicial custody. The petitioners and the defacto complainant are belonging to the same political party.

5. Taking into consideration of the aforesaid fact that A4 & A6 were already arrested and remanded to judicial custody and also the fact that no previous case is pending against the petitioners, 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, No.II, Ramnad District, 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.

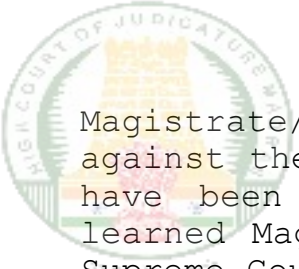
(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(ii) 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.

<https://hcservices.ecourts.gov.in/hcservices/>

(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].

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(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/06/2019

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

TO

- 1.The Judicial Magistrate, No.II,
Ramnad District.
 - 2.Do Thro'The Chief Judicial Magistrate,
Ramanathapuram District.
 - 3.The Sub - Inspector of Police,,
Kenikkarai Police Station,
Ramnad District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.A.UTHAYAKUMAR, Advocate (SR-10252[I] dated 21/06/2019)

ORDER
IN
CRL OP(MD) No.8379 of 2019
Date :21/06/2019

dss
AE/PN/SAR-II (24.06.2019) 3P 6C