

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

Date : 24/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.8447 of 2019

1.P.Karthick
2.T.Muthuvel
3.K.Jeganathan
4.M.Dhilip Kumar
5.S.Karuppasamy
6.K.Angel Raj

.... Petitioners/Accused No.1 to 6

Vs

The State rep.by,
The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
Crime No.112/2019.

.... Respondent/Complainant

For Petitioner : Mr.M.Maria Vinola,
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 crime no. 112/2019 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, 323, 324 and 427 of IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to previous enmity between the parties, a false case has been foisted against the petitioners. He further submitted that the injured person sustained only simple injury and he was already discharged from the hospital. Hence, he prayed for granting anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) has submitted that the petitioners and other accused person attacked the de-facto complainant and abused him with filthy language and caused injuries. Therefore, she strongly opposed this petition. However, she fairly conceded that the injured person was already discharged from the hospital.

5.Taking into consideration of the fact that the injured person was 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 No.II, Kovilpatti, Thoothukudi District 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/-

24/06/2019

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TO

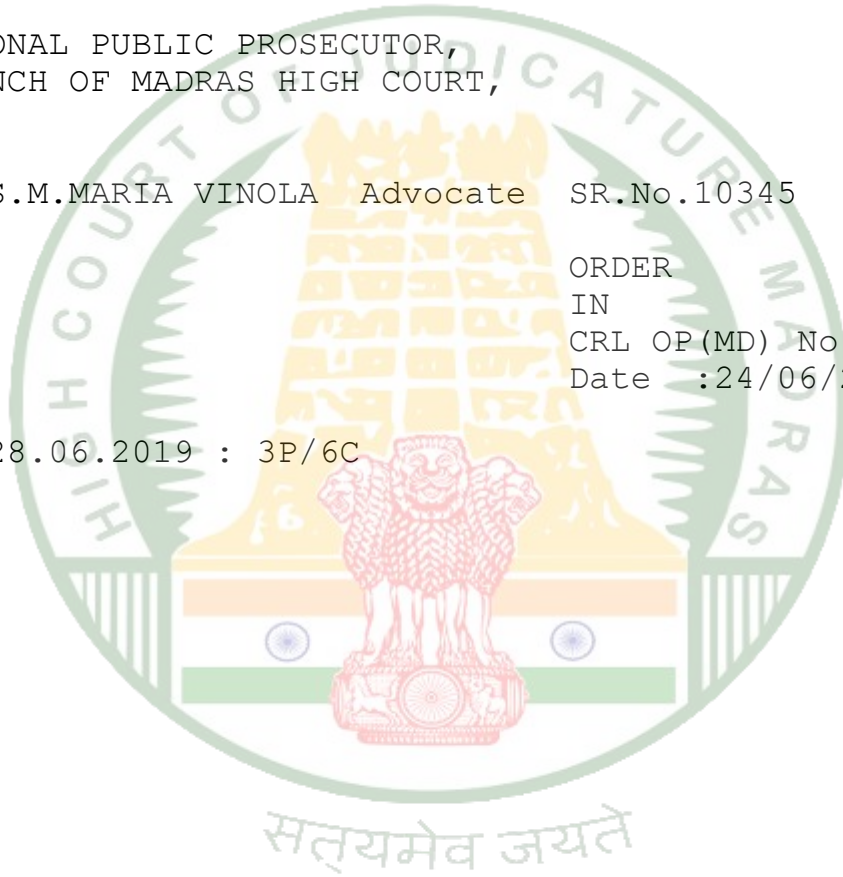
1. THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.MARIA VINOLA Advocate SR.No.10345

ORDER
IN
CRL OP(MD) No.8447 of 2019
Date : 24/06/2019

sj i

PK/JC/SAR-3/28.06.2019 : 3P/6C



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