

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

Date : 25/06/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.8452 of 2019**

1.K.R.Sathaiah,  
2.K.Bose,  
3.K.Subramanian @ Kumar  
4.M.Kannadhasan .... Petitioners/Accused  
(Rank not known)

Vs

The state rep.by,  
The Inspector of Police,  
Aravayal Police Station,  
Sivagangai District.  
Crime No. 52/2019. .... Respondent/Complainant

For Petitioner : M/s.S.P.Naveenkumar,  
Advocate.  
For Respondent : Mrs.M.Anantha Devi,  
Government Advocate (Crl.Side)..

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

PRAYER :-

For Anticipatory Bail in Crime no.52/2019 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 448, 294  
(b), 342, 324 and 506(ii) of IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has  
submitted he is withdrawing the petition in respect of the first  
petitioner. He further submitted that the petitioners are innocents,  
a false case has been foisted against the petitioners and hence, he  
prayed for granting anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) has submitted that the de-facto complainant borrowed hand loan from the first petitioner, due to some financial crisis, he could not repay the loan within the specified time, therefore, the petitioners attacked the de-facto complainant with deadly weapons and caused injury. She further submitted that the first petitioner is having three previous case and no previous case is pending against the petitioners 2 to 4. Hence, she strongly opposed this petition. However, he fairly conceded that the injured person was already discharged from the hospital.

5.Taking into consideration of the fact that the first petitioner is having three previous case and no previous case is pending against the petitioners 2 to 4 and also considering the fact that the injured person was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

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, Devakottai and the petitioners 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]If the petitioners 2 to 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]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.

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

[d]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

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7.As regards the first petitioner, this petition is dismissed as withdrawn.

sd/-  
25/06/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, DEVAKOTTAI

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

3.THE INSPECTOR OF POLICE,  
ARAVAYAL POLICE STATION,  
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.P.NAVEENKUMAR Advocate SR.No.10601

ORDER  
IN

CRL OP(MD) No.8452 of 2019  
Date :25/06/2019

SJI

PK/JC/SAR-4/28.06.2019 : 3P/6C

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