

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Twenty Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8519 of 2019

1 M.RAJA @ RAJA JEYA SINGH
2 MURUGAN

... PETITIONERS / ACCUSED A1 & A2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.128/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABHU Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

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 294(b), 324 and 506(ii) of IPC and Section 3(1) of TNPPDL Act, 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. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that as per the First Information Report, due to previous enmity, a wordy quarrel arose between the parties, the petitioners attacked the de-facto complainant and abused him with filthy language and also damaged the Two Wheeler worth about Rs.3000/-. He further submitted that already one previous case is pending against the first petitioner under Section 506(ii) of IPC and hence, he strongly opposed this petition. However, he fairly conceded that the injured already discharged from the hospital.

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

5.The learned counsel for the petitioner by way of reply has submitted that in the previous case the petitioner is on bail.

6. Taking into consideration of the fact that the injured already discharged from the hospital no previous and that in the previous case the petitioner is on bail, this Court is inclined to grant anticipatory bail to the petitioner 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 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) the petitioners shall deposit a sum of Rs.3000/- (Rupees Three Thousand only) being the cost of the damage to the credit of Crime No.128 of 2019 before the learned Judicial Magistrate No.II, Kovilpatti, without prejudice their defence before the trial Court;

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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].

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

sd/-

24/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

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

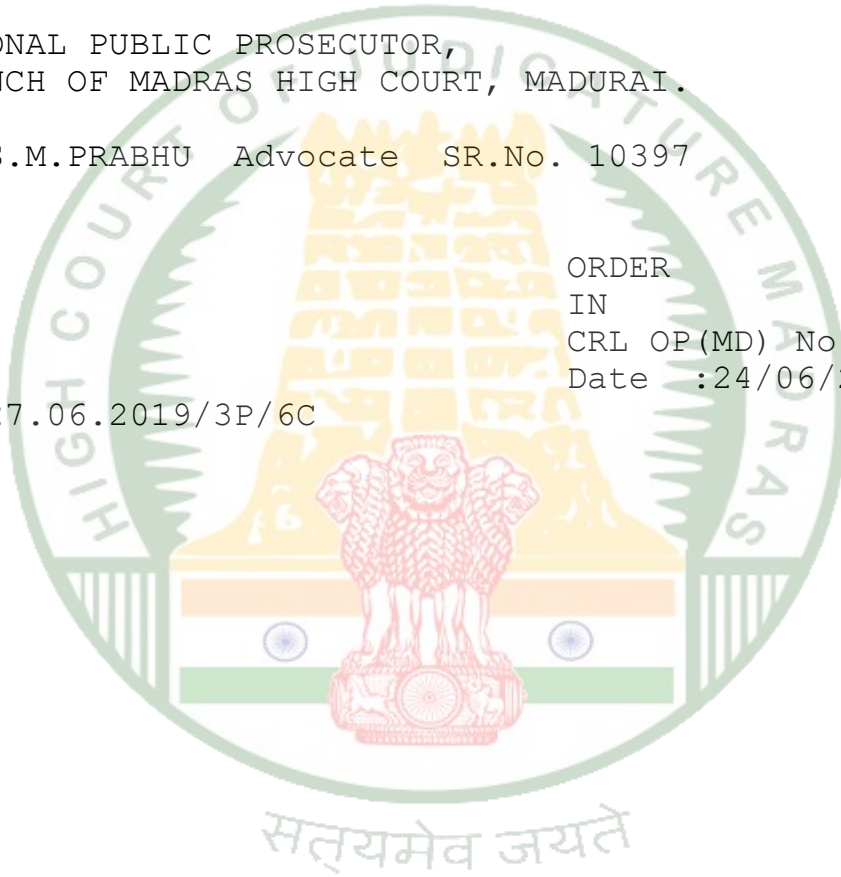
3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.PRABHU Advocate SR.No. 10397

ORDER
IN
CRL OP(MD) No.8519 of 2019
Date :24/06/2019

JM/VR/SAR 2/27.06.2019/3P/6C



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