



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8629 of 2019

1. Vicki @ Vigneswaran,
2. Winsent @ Vincent Raja,
3. Jagadeesan @ Jagadeeswaran,
4. Jagadish Chandra Bose Kannan,
5. Jothikumar,
6. Venkatesan @ Venkatesh,

... Petitioners/Accused Nos.1,3,4,6,7 & 8.

Vs

State rep.by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Crime No.182 of 2019).

... Respondent/Complainant

For Petitioners : M/s.R.Murugan,
Advocate.

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

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

PRAYER :-

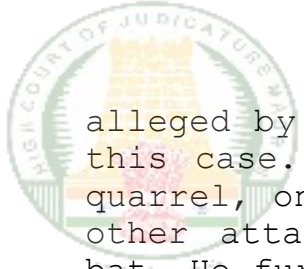
For Anticipatory Bail in Crime No.182 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 147, 148, 294 (b), 323, 324, 307 and 506 (ii) IPC, in Crime No. 182 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, due to wordy quarrel, on 16.06.2019, at about 12.30 p.m., the petitioners and two other attacked the defacto complainant with iron rod and cricket bat. He further submitted that the A2 & A5 were already arrested and remanded to judicial custody and the injured was discharged from the hospital, and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally 8 accused involved in this case. A2 & A5 were already arrested and remanded to judicial custody. The petitioners herein are having previous cases, except the 4th petitioner/A6. Hence, he opposed this petition. However, he fairly conceded that the injured was already discharged from the hospital.

5.Taking into consideration of the aforesaid fact that insofar as the petitioners 1 to 3, 5 & 6 concerned they are having previous cases and insofar as the 4th petitioner is concerned, he is having no previous case and also the fact that the injured was also discharged from the hospital, this Court is inclined to grant interim anticipatory bail to the 4th petitioner with certain conditions.

6. Accordingly, the 4th petitioner is ordered to be released on bail in the event of arrest or on his 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, Ramanathapuram, on condition that the 4th petitioner 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 4th petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the 4th petitioner 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.

(iii) the 4th petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the 4th petitioner shall not abscond either during investigation or trial.

(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].

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

7. Since the petitioners 1 to 3, 5 & 6 are having previous cases, this Court is not inclined to grant anticipatory bail to the petitioners 1 to 3, 5 & 6. Accordingly, this Criminal Original Petition is dismissed insofar as the petitioners 1 to 3, 5 & 6 are concerned.

sd/-
20/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
RAMANATHAPURAM

2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURM DISTRICT.

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-10193[I] dated 21/06/2019)

ORDER
IN
CRL OP(MD) No.8629 of 2019
Date :20/06/2019

dss
AE/VR/SAR-III (03.07.2019) 3P 6C