



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.8642 of 2019

S.Neppoliyan

... Petitioner/Accused No.9

Vs

The Sub-Inspector of Police,
Kadamalaikundu Police Station,
Kadamalaikundu, Theni District.
Crime No.186 of 2019

... Respondent/Complainant

For Petitioner : M/s.T.Lajapathi Roy,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.186 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147,148,332,353,506(2) and 307 of IPC, in Crime No.186 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that there is no overt act attributed against the petitioner herein. He further submitted that even as per the First Information Report A1 alone attacked Vignesh. He further submitted that the injured sustained only simple injuries and he was discharged from the hospital. He further submitted that already main accused namely A1 to A5, A13, A14 & A15 were arrested on 09.06.2019 and they are still in custody. He further submitted that since the petitioner has went to ear boring ceremony along with the other accused persons he has been falsely implicated in the above



case. Hence, he prayed to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that in the ear boring ceremony, a wordy quarrel arose among the persons who were participated in the said function; that the injured person who is working as a police constable tried to pacify them, due to which the accused persons attacked the said Vignesh with iron rod. However he fairly conceded that the injured person sustained only simple injuries and he was already discharged from the hospital. However, he opposed anticipatory bail on the ground that investigation is still pending.

5. Taking into consideration the fact that the injured person has sustained only simple injuries and also discharged from the hospital and also considering the fact that the main accused persons namely A1 to A5, A13, A14 & A15 were arrested and remanded to judicial custody and also considering the overt act attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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.V, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the learned Judicial Magistrate, Andipatti, Theni District 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the 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.

sd/-
20/06/2019

WEB COPY

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate, No.V,
Madurai District.
 - 2.The Chief Judicial Magistrate,
Madurai District.
 - 3.The Judicial Magistrate,
Andipatti, Theni District.
 - 4.The Chief Judicial Magistrate,
Theni District.
 - 5.The Sub-Inspector of Police,
Kadamalaikundu Police Station,
Kadamalaikundu, Theni District. .
 - 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-10191[I] dated 21/06/2019)

ORDER
IN
CRL OP(MD) No.8642 of 2019
Date : 20/06/2019

dss
TK/VR/SAR.2/28.06.2019/3P/8C