



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

Date : 21/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8670 of 2019

Gurunathan

... Petitioner/Accused No.5

Vs

State through,
The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
Cr.No.53/2019.

... Respondent/Complainant

For Petitioner : M/s.M.Kalaiselvan,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Cr.No.53/2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 341, 294 (b, 323, 324, 307, 363, 392, 397, 506 (ii) IPC, in
Crime No.53 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner has not committed any offence as
alleged by the prosecution and he has been falsely implicated in
this case. He further submitted that as per the FIR, the petitioner
along with other accused kidnapped the defacto complainant and his
two sister and demanded to give 2 TASMACHOP shop being owned by the
defacto complainant or a sum of Rs.10,30,000/- as mamool per month,
the defacto complainant refused to accept their demand, however,
agreed to give a sum of Rs.5,00,000/-, but, the petitioners
assaulted the defacto complainant and robbed 5 sovereigns of chain
from the defacto complainant. He further submitted that the injured
sustained only simple injuries and also he was discharged from the
hospital and therefore, he prayed anticipatory bail to the
petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has assaulted the defacto complainant and hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital.

5. Taking into consideration the fact that the injured person sustained only simple injuries and he was also discharged from the hospital, 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, Devakottai, 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 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 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/-
21/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

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

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

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

+1. CC to M/S.M.KALAISELVAN Advocate SR.No.

ORDER

IN

CRL OP(MD) No.8670 of 2019

Date :21/06/2019

DSS

PK/PN/SAR-2/25.06.2019 : 3P/6C