



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 01/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9055 of 2019

1.Prasath @ Prasanth
2.Thangaraj

... Petitioners/Accused Nos.1 to 4

Vs

The Inspector of Police,
Thiruvegampet Police Station,
Thiruvegampet, Sivagangai District.
Crime No.57 of 2019

... Respondent/Complainant

For Petitioners: M/s.N.Pragalathan,
Advocate.

For Respondent : Mrs.M.Ananthadevi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.57 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 147, 341, 294 (b), 323, 506 (ii) and 427 of IPC, in Crime No. 57 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, due to previous enmity, the petitioner and the other accused persons attacked the defacto complainant's son and damaged his Splender Plus bike bearing Reg.No.TN 63 Z 6348. He further submitted that the injured was discharged from the hospital, and hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the totally 9 accused involved in this case. Due to previous enmity, the petitioner and the other accused persons attacked the defacto complainant's son and damaged his Splender Plus bike. She further submitted that the total value of the damage is worth about Rs.25,000/-. Hence, she opposed this petition. However, she fairly conceded that the injured was already discharged from the hospital.

5. Taking into considering the aforesaid fact that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 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 Court, Devakottai, Sivagangai District, 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] each petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.57 of 2019 before the learned Judicial Magistrate Court, Devakottai, Sivagangai District, without prejudice to 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.

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01/07/2019

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

TO

- 1.The Magistrate Court,Devakottai,
Sivagangai District.
- 2.Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Thiruvegampet Police Station,
Thiruvegampet, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-10802[I] dated
01/07/2019)

ORDER
IN
CRL OP(MD) No.9055 of 2019
Date : 01/07/2019

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TK/PN/SAR.3/04.07.2019/3P/6C