

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 01/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9116 of 2019

1.A.Diwakar
2.Vetriselvan
3.Ganesan
4.Satheesh

... Petitioners/Accused Nos.2 to 5

Vs

The State Rep.by
The Inspector of Police,
Nalattinpudur Police Station,
Thoothukudi District.
Crime No.94 of 2019

.... Respondent/Complainant

For Petitioners: M/s.M.Maria Vinola,
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.94 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, 148, 294 (b), 324, 323, 307 and 506 (ii) of IPC, in Crime No. 94 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 14.06.2019, the defacto complainant, who is the lorry driver has participated in the temple festival and he questioned the petitioners regarding the money collected from the public for the celebration of the festival. Hence, the petitioners attacked the defacto complainant with aural

and beer bottle. Due to this, the defacto complainant sustained grievous injury. He further submitted that the petitioners are innocent persons and they were falsely implicated in this case. He further submitted that the injured was also discharged from the hospital, and hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that during the temple festival, the petitioners assaulted the defacto complainant with aruval and beer bottle and criminally intimidated him. He further submitted that one previous case is pending against the petitioners 2 & 3 under Section 307 IPC, Hence, he opposed this petition. However, he fairly conceded that the injured was discharged from the hospital and no previous case is pending against the petitioners 3 & 4.

5. Insofar as the petitioners 2 & 3 are concerned, already one previous case is pending under Section 307 IPC. Hence, this Court is not inclined to grant anticipatory bail to the petitioners 2 & 3. Insofar as the petitioners 1 & 4 are concerned, no previous case is pending against them and also the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1 & 4 with certain conditions.

6. Accordingly, the petitioners 1 & 4 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, No.I, Kovilpatti, on condition that the petitioners 1 & 4 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 petitioners 1 & 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 1 & 4 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.

(ii) the petitioners 1 & 4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 1 & 4 shall not abscond either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>
(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/-
01/07/2019

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate Court, No.I,
Kovilpatti.
- 2.Do-Through The Chief Judicial Magistrate,
Tuticorin District.
- 3.The Inspector of Police,
Nalattinpudur Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MARIA VINOLA, Advocate (SR-10771[I] dated 01/07/2019)

ORDER
IN

CRL OP(MD) No.9116 of 2019
Date : 01/07/2019

dss

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

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