



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

Date : 24/07/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.8369 of 2019

WEB COPY

1. Kalidass

2. Guruvaiah

... Petitioners/Accused Nos. 1 & 2

Vs

The State rep., by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.104 of 2019).

... Respondent/Complainant

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

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in Crime No.104 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 Section 304(ii) of IPC in Crime No.104 of 2019, seek anticipatory bail.

2. Heard both sides.

3. As per the request made by the learned counsel for the petitioners, this Court has referred the matter to the Mediation by the order dated 01.07.2019. The Mediation and Conciliation centre of this Court has sent a report stating that the matter has been settled before the mediation and the petitioners have agreed to pay a sum of Rs.1,40,000/- (Rupees One Lakh and Forty Thousand only) to the defacto complainant namely Easwari for full and final settlement by way of Demand Draft bearing No.156736, drawn by State Bank of India, Watrap Branch, Virudhunagar District dated 22.07.2019.



4. The learned Government Advocate (Crl. Side) appearing for the respondent Police has fairly conceded that the matter has been settled before the mediation. However, she opposed this petition as investigation is pending.

5. Considering the aforesaid facts, this court is inclined to grant anticipatory bail to the petitioners by imposing 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 Judicial Magistrate Court No.1, Sriviliputhur, 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) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police as and when required for interrogation.

(iii) the petitioners 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/-
24/07/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILIPUTHUR.

2. -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8369 of 2019

Date :24/07/2019

Vsg

ES/JC/SAR 4/29.07.2019/3P/5C