

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9381 of 2019

1. Baskar @ Rajappa,,
2. Praveen,, ... Petitioners/Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,,
Maruvur Police Station,
Thanjavur District.
(Crime No.54 of 2019).. ... Respondent/Complainant

For Petitioners : M/s.R.Jegadeeswaran,
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. 54 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 294(b), 324,436 and 506(ii)of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the above case. The learned counsel for the petitioners on instructions, would submit that without prejudice to

their rights contentions the petitioners are willing to deposit Rs.50,000/- to the credit in crime number. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (crl. side) appearing for the respondent has submitted that the petitioners caused mischief to the hut of the defacto complainant caused damage to the tune of Rs.80,000/- Hence She opposed to grant anticipatory bail to the petitioners. However, she fairly conceded that no previous case is pending against the petitioners.

5. Taking into consideration the fact that there is no specific allegations levelled against the petitioners herein and also the fact that there is no previous case pending against the petitioners and also the fact that the petitioners have come forward to deposit Rs.50,000/-, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru on condition that the petitioners 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing the bail bond the petitioners shall deposit Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No. 54 of 2019 before the learned Judicial Magistratem Thiruvaiyaru, Thanjavur District.

[c] 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 for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
MARUVUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to MR.R.JEGADEESWARAN, Advocate (SR-11654[I] dated 12/07/2019
)

ORDER
IN

CRL OP(MD) No.9381 of 2019
Date :15/07/2019

aav

AE/JC/SAR-II (18.07.2019) 3P 6C

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