

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9577 of 2019

1.M.Ravichandran
2.T.K.Thirupathi

... Petitioner/Accused No.1
... Petitioner/Accused No.2

Vs

State Rep by,
The Inspector of Police,
Edaimalaipattiputhur Police Station,
Trichy District.
(Crime No. 297 of 2019).

... Respondent/Complainant

For Petitioners : M/s.K.Praveenkumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.297/2019 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),
447,448 and 506(ii) of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have
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 and contentions the petitioners are willing to deposit

Rs.2000/- 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 due to previous enmity the petitioners trespassed into the defacto complainant's land and caused damage to shop worth Rs.2000/-. 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 allegation levelled against the petitioners herein and also the fact that no previous case is pending against the petitioners , 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy 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:

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

[b]the petitioners are directed to deposit Rs.2000/-(Rupees Two thousand only) to the credit of Crime No. 297 of 2019 before the learned Judicial Magistrate No.II, Trichy

[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/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].

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

sd/-
11/07/2019

/ TRUE COPY /

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

TO

1.JUDICIAL MAGISTRATE NO.II, TRICHY

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE
EDAIMALAIPATTIPUTHUR POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.K.PRAVEENKUMAR Advocate SR.No.11525

ORDER
IN

CRL OP(MD) No.9577 of 2019
Date :11/07/2019

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PK/VR/SAR-2/15.07.2019 : 3P/6C

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